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## ALEC Digital Exchange: A Look Back at SNPS

1 message

American Legislative Exchange Council &lt;ahackbarth@alec.org&gt;

Thu, Dec 14, 2017 at 4:45 PM

To: latoursm@gmail.com

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ALEC Digital Exchange: December 14, 2017



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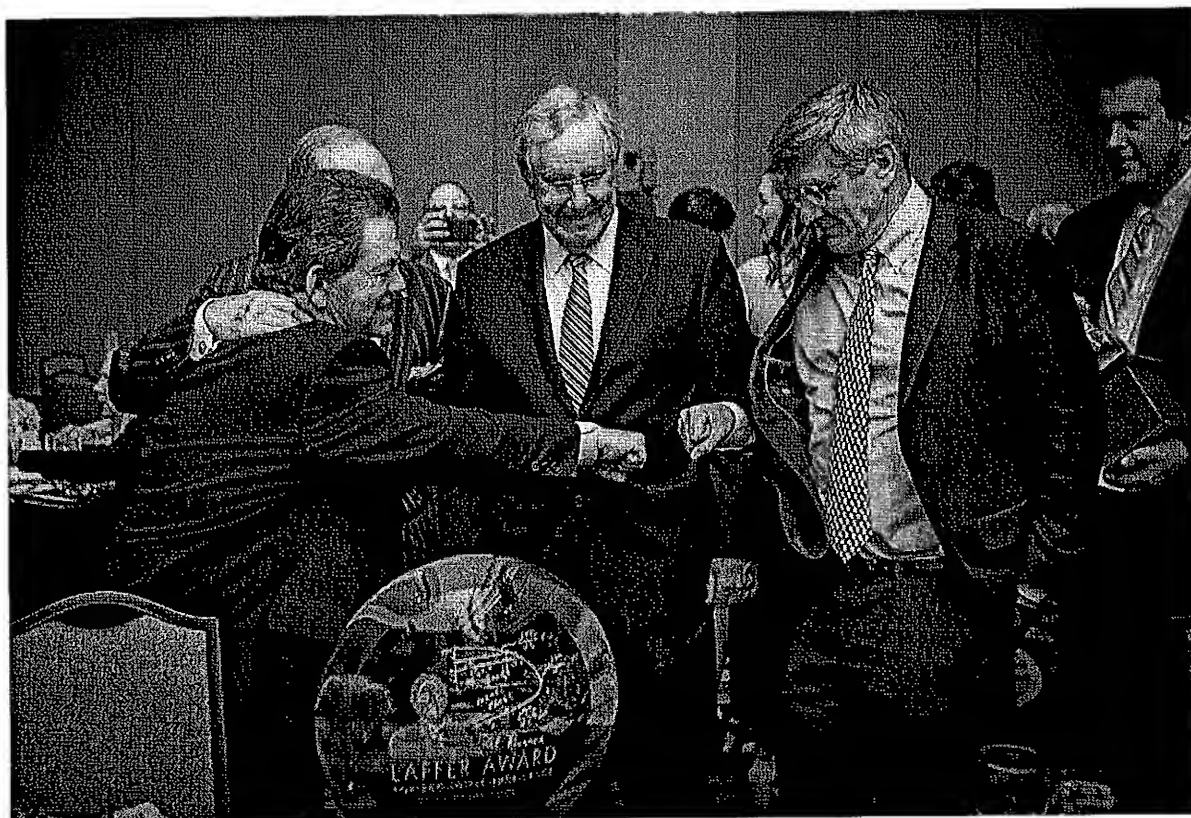


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### Photos of the Week

Last week, ALEC hosted the States and Nation Policy Summit in Nashville, TN. A record-setting number of attendees enjoyed engaging speakers, spirited policy debate and thought provoking workshops. See some of the highlights of our week in Music City here.

[View Slideshow](#)

## Week in Review

### A Look Back At The SNPS General Sessions

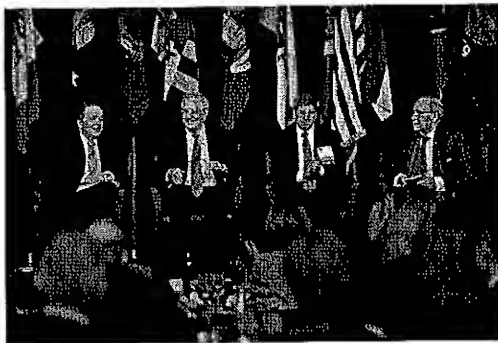


Videos of all of the general sessions at SNPS are available on ALEC.org . Please take a look.

[View Videos](#)

## SNPS Highlights

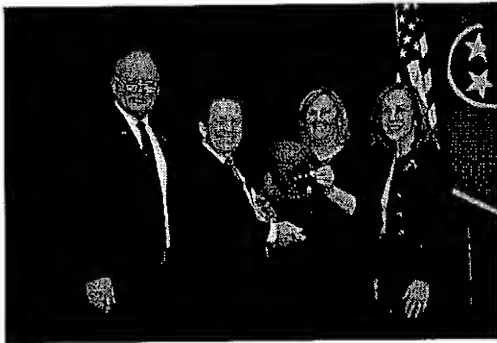
### Committee to Unleash Prosperity Discusses Tax Reform, Fiscal Responsibility



The Committee to Unleash Prosperity, consisting of titans of economics and business Arthur Laffer, Steve Forbes, Larry Kudlow and Stephen Moore, gave a panel discussion at the States and Nation Policy Summit. Topics ranged from tax reform to politics and business and provided an exclamation point on ALEC involvement in fiscal issues this year.

[Watch Panel](#)

### Dr. Arthur Laffer Wins Inaugural Laffer Award for Economic Excellence



ALEC recognized the first winner of the Laffer Award for Economic Excellence, Dr. Art Laffer, at the States and Nation Policy Summit

Often called "The Father of Supply Side Economics", Dr. Laffer has been a stalwart at ALEC for decades. He is the co-author of *Rich States, Poor States* and a friend and mentor to staff and legislators alike.

[Watch Ceremony](#)

### ALEC Recognizes its Stars at Awards Dinner



At the Annual Awards Dinner, ALEC recognized the outstanding efforts of a number of its members over the course of the year. Four members were awarded: Legislator of the Year, Public Sector Chair of the Year, Private Sector Chair of the Year, and Volunteer of the Year. Find out who they are.

[Read Article](#)

## Rural Caucus Gets Off the Ground With Its Inaugural Meeting



The ALEC Rural Caucus had its inaugural meeting last week. Co-Chaired by Representative Becky Nutt of Arizona and Representative "Doc" Anderson of Texas, the caucus aims to provide a place where legislators representing rural districts can come together to find innovative policy solutions for their areas.

[View Video](#)

## SNPS In 140 Characters

### Attendees Sound Off on SNPS Experience

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**Steve Forbes**   
@SteveForbesCEO

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On @ALEC\_states panel this morning w/ Art Laffer, Larry Kudlow, & Steve Moore on tax cuts. Great, lively discussion—likely bill will do more good than harm! #LafferCurve @StephenMoore @larry\_kudlow

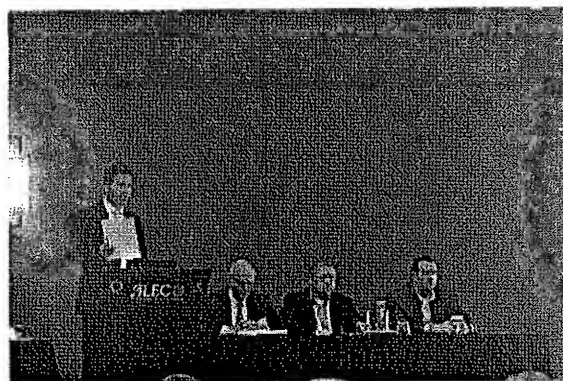


**Rep. Seth Grove**  
@RepGrove

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#ALECIdeas Talking budgets, taxes, and TABOR @ALEC\_states

Success of @TaxpayersCaucus led to not having massive energy taxes.





GuaranteeTrustLifeGR  
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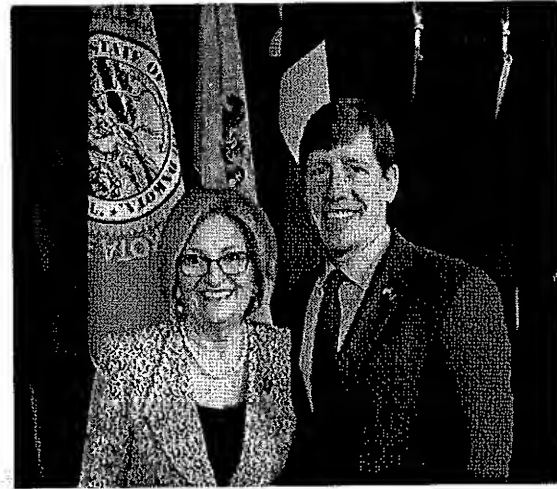
"Prosperity makes people happy" "Pro business is pro worker" Supply side superstars @Larry\_Kudlow @LafferCenter @SteveForbesCEO and @StephenMoore discussing #TaxReform @ALEC\_States #ALECideas #ALECinTN



Brian Kelsey  
@BrianKelsey

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Earlier this morning, I was proud to introduce my friend and former colleague @RepDianeBlack to speak at the @ALEC\_states 2017 States & Nation Policy Summit here in Nashville!



Charles Tassell  
@CharlesTassell

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Very interesting panel RT @ALEC\_states: @accexchange opioid addiction and civil asset forfeiture top of mind for local electeds at policy summit. #ALECideas #ALECinTN

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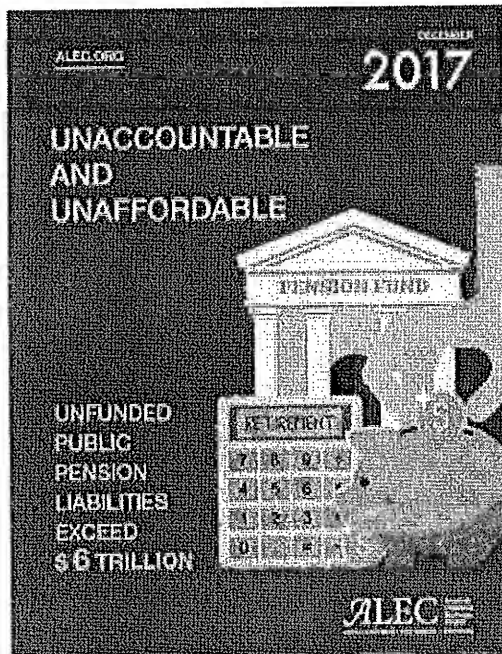
Alan Clemmons  
@RepAlanClemmons

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Spending my birthday at @ALEC in Nashville enjoying policy discussion and debate. Currently participating in a thought provoking presentation by equaljusticecoalition.net on repeal of the 17th Amendment to the US Constitution, popular election of US Senators. #ALECinTN #ALECideas

## This Week at ALEC

### Center For State Fiscal Reform Rolls Out Unaccountable and Unaffordable 2017



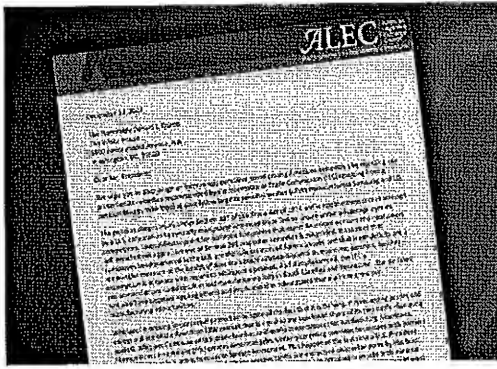
The latest estimate places unfunded public pension liabilities over **\$6 trillion**. Absent significant reforms, unfunded liabilities of state-administered pension plans will continue to grow and threaten the financial security of state retirees and taxpayers alike. The resulting fiscal calamity could be far deeper and prolonged than the Great Recession.

Unaffordable and Unaccountable 2017 surveys the more than 280 state-administered public pension plans, detailing their assets and liabilities

[Read Report](#)



## State Legislators' Letter to Trump: Protectionism Threatens American Jobs



State lawmakers from nine states signed a letter to President Trump urging his administration to reject protectionist trade policies. The letter urges President Trump to reject any protectionist remedies recommended by the International Trade Commission (ITC). The state legislators who signed the letter hope President Trump opposes trade protectionism. American jobs depend on it.

[Read Letter](#)

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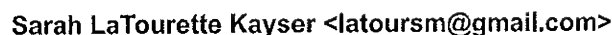
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Thu, Dec 14, 2017 at 6:04 PM

To: [sml@sarahlatourette.com](mailto:sml@sarahlatourette.com)

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**OHIO REPORT**  
**THURSDAY, DECEMBER 14**

## Contingency Plan Set For Behavioral Health Redesign

## State Hiring Third-Party Investigator To Review Future Medical Pot Licensing Concerns

## Husted Pushes \$118M For Voting Equipment In Capital Budget

## Rhoden Autopsies Will Remain Out Of Public View As Investigation Proceeds, High Court Rules

## JobsOhio Highlights Financial Technology Accelerator

## Medicaid Program Would See Federal Funding Cut If CHIP Not Reauthorized, Director Says

## Kasich Announces Process To Fill O'Neill's Seat On High Court

## Lawmaker Looks To Shield Images Featuring Nudity, Victims Of Sex Crimes From Public Release

**Report Reveals Cost Of High Court Races; O'Brien Scores Endorsements For Congressional Bid; Unions Back Whaley; Cordray Adds Jones Staffer...**

## Gongwer Statehouse Job Market Updated

**Supplemental Agency Calendar**

**Supplemental Event Planner**

## **ACTIVITY REPORTS**

**House**

**Senate**

## **CALENDARS**

**Day Planner**

**Legislative Committee Schedules**

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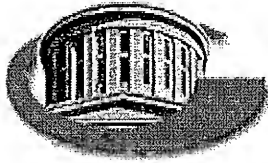
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**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## Daily Activity Planner for Friday, December 15

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**Board of Building Standards**, Training Rm. 1, 6606 Tussing Rd., Reynoldsburg, 10 a.m.

### Event Planner

No events scheduled.

17 S. High St., Suite 630

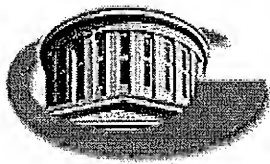
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# GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #86, Report #240 -- Thursday, December 14, 2017

## Contingency Plan Set For Behavioral Health Redesign

Behavioral health providers who are unable to submit claims under a new coding system launched by the Department of Medicaid on January 1 will get a little bit of help with their cash flow, administration officials told lawmakers Thursday.

The announcement came as officials went before the Joint Medicaid Oversight Committee for the last time before the redesign's launch. The process has been delayed as lawmakers questioned whether providers were ready for a shift that could jeopardize their ability to provide care.

The contingency plan will allow providers who can't submit claims through the new system to request an advance equal to the state share of their average monthly reimbursement in 2017 for January, February and March, Medicaid Director Barbara Sears said. ([ODM presentation](#))

The state share of reimbursement is 27.3%, and ODM plans to recover the payments by offsetting claims paid between April 1-June 30, Director Sears said.

"The priority for the state is to avoid any disruption in access to care for individuals receiving behavioral health services," she said.

Beyond the contingency plan, providers whose IT vendors are not ready to handle claims through the system can manually enter claims through an online portal, Director Sears said. Doing so is more time-consuming but will allow smaller providers to receive reimbursement.

ODM ran beta testing through Nov. 30, and the testing system remains open through Friday for providers and vendors to check their readiness, the director said. ([Beta testing results](#))

During the testing period, 77 providers participated and all of them were able to submit clean claims and have them adjudicated, the director said. That meets a statutory requirement required in the budget bill ([HB 49](#)) that allows the redesign to move forward.

Ms. Sears told [Rep. Mark Romanchuk](#) (R-Mansfield) that about 170 providers had volunteered for the testing, and some said they weren't going to be ready in time for the beta test period but would be afterward. Others said their vendors had tested, others already billed on similar commercial codes and felt comfortable, and some said they intended to use the manual portal.

Rep. Romanchuk said he wanted the department to do an analysis to make sure it would be ready to handle questions and concerns from providers after the codes changed on the first of the year.

The department has staff and a rapid response room ready to handle issues, Director Sears said. Many of the questions are expected to be similar to those regularly handled by the department's provider ombudsman staff.

"Do we fully understand that there's going to be a lot of concern and a lot of issues right after? Absolutely," she said. "We know that that's the nature of any large change."

The contingency plan uses only the state dollars because the department won't receive federal dollars until a claim has been documented, the director told Sen. Lou Terhar (R-Cincinnati).

"We don't have the federal dollars to put at risk," she said.

JMOC Chairman Rep. Steve Huffman (R-Tipp City) said he was concerned that the contingency payments wouldn't be enough to keep providers in business.

The providers would still be able to submit claims manually, and they will likely be receiving reimbursement payments from December well into January, Director Sears said.

Tracy Plouck, director of the Department of Mental Health and Addiction Services, added: "That's something that could be used in concert with the advance if that makes sense for some claims,"

Providers criticized the contingency plan as insufficient given the risk to the system as a whole of they aren't able to bill and receive reimbursement.

"Behavioral Health providers have been diligently working to implement significant changes required for Behavioral Health Redesign and are in various stages of readiness for implementation on January 1, 2018," Lori Criss, CEO of the Ohio Council of Behavioral Health and Family Services Providers, said in a statement. "In the midst of an opiate and drug overdose crisis and rising suicides, we cannot risk what happened during the MyCare Ohio implementation."

"While we appreciate their efforts, we are disappointed with the ODM contingency plan offered at JMOC today," she said. "The administration's plan of paying 27% of a provider's claims will not support the demand for mental health and addiction services. We will continue to work with the administration to reach a solution that works for everyone, especially Ohioans trying to recovery from mental illness and addiction."

#### State Hiring Third-Party Investigator To Review Future Medical Pot Licensing Concerns

The Department of Commerce is working with the attorney general's office to hire a third party to investigate future questions surrounding the application process for medical marijuana licenses.

That follows criticism in recent weeks after it was disclosed that one of more than 20 people the Department of Commerce used to evaluate applications from potential growers was charged in 2005 with a marijuana-related felony in Pennsylvania.

The situation prompted some officials to call for a halt to the program, casting a cloud over the process by which the agency last month awarded a number of provisional licenses - 12 for Level I cultivators and 11 for Level II cultivators. (See Gongwer Ohio Report, November 30, 2017)

Speaking to the Medical Marijuana Advisory Committee Thursday, Justin Hunt, COO of the department's Medical Marijuana Control Program, and agency director Jacqueline Williams mounted a full-throated defense of the agency's work so far.

"We are very confident in the process the department used not only to hire these subject experts used but also to score the applications in a fair, neutral and consistent manner," Mr. Hunt said, adding that the third party would only "further strengthen the process' integrity."

"Allegations or concerns by interested parties will be handled by that independent, third-party expert, but the department will retain authority to make the final decisions with regard to the results of any findings from that third party," Mr. Hunt said. "As soon as this process is entirely nailed down it will be communicated on our website (and) to the public. It will be very clear how this process will be followed."

He said issues or concerns with specific applications would continue to be addressed through the existing appeals process laid out in Chapter 119 of the Ohio Revised Code.

Ms. Williams said the scoring process was based on feedback from other states and stakeholders. Parts of that were recommendations to develop a blind scoring process and require each team of three reviewers to reach a consensus on specific applications. That, she said, ensured no one scorer had undue influence over the process.

"Undoubtedly the process was not perfect. I don't know what process is," she said. "But was the process fair and impartial? Absolutely."

The agency has said criticism is coming from those who missed out on cultivator licenses. The felony charge issue was brought to light by CannAscend Ohio, one of the applicants that did not receive a license. Ms. Williams and Mr. Hunt said those parties are free to pursue an appeal. (See Gongwer Ohio Report, December 1, 2017)

Members of the advisory group seemed encouraged by the department's handling of the process.

"I am just really very comfortable and impressed with the process that has taken place," member Marcie Seidel said. "This is as close to perfect as it can come. I regret there are people out there throwing hand grenades in the media to discredit it."

But committee member John Lenhart, the Shelby County sheriff, questioned the lack of background checks on the workers. In response, Ms. Williams said the department never does background checks on individuals hired as subject matter experts.

"We would not have looked at the background of any individual that we hire (in that capacity)," she said, adding that the scorer in question would not face a felony possession charge were he in that situation today under current Pennsylvania law. "We wouldn't have done anything any differently but we're well aware of...the fact that those individuals who are not satisfied with the outcome of this process will utilize that piece of information in order to discredit the entire process."

Still, Mr. Lenhart said the agency should reconsider that approach in order to regain any lost trust among the public. This situation, he said, "kicks me above the knees."

"I think the process is good," he said, "but it's like everything else we do in life: nobody remembers the good things we do. They remember when we stub our toe."

The department also unveiled the list of testing lab applications it has received from private entities. They include Keystone State Testing of Ohio, Quales OH, Battelle Memorial Institute, ACT Laboratories Inc., North Coast Testing Laboratories LLC, Cas Laboratories LLC, and Akrisivis Lab LLC. That's on top of the previously reported applications from public institutions: Central State University and Hocking College. (See Gongwer Ohio Report, November 13, 2017)

**State Board of Pharmacy:** The board will allow applicants for dispensary licenses to amend their applications until 8 a.m., Dec. 20 after several recent online application issues.

Erin Reed, the board's senior legal counsel, said the board plans to award provisional licenses for dispensaries in spring 2018. Dispensaries would then be in operation the following September, she said.

That follows an application period that began Nov. 3 and closed Nov. 17 that resulted in 369 applicants who submitted and paid for applications. Up to 60 can ultimately be awarded, Ms. Reed said.

She also updated the committee on the board's efforts to create a toll-free hotline for patients, caregivers and professionals as required by law. Responses to the board's request for proposals were due Nov. 20.

"We received five responses on time to this RFP," Ms. Reed said. "Those responses are still under consideration at this time and we are working on awarding the contract."

Asked about scorers for the various applications, Ms. Reed said the board is prioritizing experience in subject matter areas such as patient care and security. She said the board will be subject to the same appeals process as the Department of Commerce for those whose applications do not pass muster.

**State Medical Board:** Chief legal counsel Kim Anderson briefed the committee on the board's progress in reviewing applications from physicians seeking certificates to recommend medical marijuana.

The board plans to conduct user acceptance testing for those physicians in February, Ms. Anderson said. Two hours of continuing medical education is required for those applicants.

### Husted Pushes \$118M For Voting Equipment In Capital Budget

Secretary of State Jon Husted asked lawmakers on Thursday to appropriate \$118 million to purchase new voting systems that can be implemented and tested prior to the 2020 presidential election.

He requested that the funding be included in the capital budget bill, which is expected to move early next year.

"It is time for the state's leaders to step forward and approve a funding plan to replace Ohio's aging voting technology," he wrote in the letter to legislative leaders, Gov. John Kasich and Office of Budget & Management Director Tim Keen.

"Any plan must ensure that updated voting systems are implemented in time for the 2019 general election so that elections officials and voters alike are not using new voting equipment for the first time in the 2020 presidential election cycle," he continued.

Lawmakers and counties have considered the capital budget as a potential vehicle for the purchase of new elections equipment. (See Gongwer Ohio Report, November 24, 2017)

County officials have said they hope the equipment can be funded in a way similar to how the state helped purchase electronic pollbooks.

Work on the capital bill is expected to move quickly in the first few months of 2018. The bill is being eyed for introduction in February or early March, with final passage expected before April.

Secretary Husted said the Department of Administrative Services has already identified likely costs for the new systems, with the \$118 million figure identified for precinct count optical scan systems. Direct recording electronic machines and hybrid systems could be more expensive.

The secretary suggested the state pay for all of the capital acquisition and setup cost of the least expensive safe and accurate system from the least expensive vendor, with counties responsible for any ongoing costs for the system.

"Swift action on the part of the General Assembly to approve funding in the upcoming capital bill is necessary to ensure the appropriate runway for procurement, testing, and implementation timelines for proper deployment in advance of the 2020 presidential election cycle," he wrote.

Rep. Kathleen Clyde (D-Kent), a candidate for secretary of state, backed the proposal but suggested secure paper-ballot systems be used.

"As we in the legislature look to the future of voting machines in Ohio, we must be sure our local communities have the resources they need to run fair elections that are safe from cyberattacks," she said in a statement. "Aging equipment that stores ballots electronically on memory cards must be replaced with systems that use fully auditable, vote-marked paper ballots. We must modernize to meet the cyber security challenges that are upon us. My forthcoming legislation, the Ballot Security and Verification Act, will establish security standards to do just that."

Sen. Frank LaRose (R-Copley), a Republican running for secretary of state, has introduced a legislative proposal (SB 135) that would provide \$89 million, mostly through capital appropriations, to fund new voting equipment in 2019.

### Rhoden Autopsies Will Remain Out Of Public View As Investigation Proceeds, High Court Rules

A divided Ohio Supreme Court on Thursday ruled that the Pike County Coroner's Office properly denied a public information request filed by two newspapers.

In a 4-3 decision authored by Chief Justice Maureen O'Connor, the high court found that the records requested by *The Cincinnati Enquirer* and *The Columbus Dispatch* fall under the confidential law enforcement investigatory records exemption.

Both newspapers sought to compel Pike County Coroner David Kessler to release the final, un-redacted autopsy reports of eight individuals murdered in a single night in April 2016 in a case that is still unsolved, the high court's media arm reported.

"Our conclusion recognizes that certain information contained in autopsy reports falls under one of the narrow exceptions to public disclosure for a temporary period," Chief Justice O'Connor wrote. "The exception is recognized for the information in autopsy reports that, for a time, constitutes CLEIR. Once the criminal investigation ends, CLEIR contained in autopsy reports may assume the status of public records and become available to the public. In order that justice might be delivered to all, patience may be required of some."

The newspapers had argued that under the law final autopsy reports do not qualify for the CLEIR exemption because a coroner is not a law enforcement official.

The court, however, rejected that argument.

"The General Assembly has recognized that a coroner plays an integral role in law enforcement investigations. For instance, to determine the cause of death, the coroner may issue subpoenas for witnesses, administer the witness oath, and inquire of witnesses how a death occurred. A coroner may even commit witnesses to jail under certain circumstances, and a judge can, on the coroner's application, compel compliance on threat of contempt," Chief Justice O'Connor wrote.

"It cannot be said that the coroner lacks authority to investigate a violation of law when, without the coroner's investigation, a murder could be mistaken for a natural death and no legal violation would be uncovered."

She was joined in her opinion by Justice Bill O'Neill, Eighth District Court of Appeals Judge Frank Celebrezze, sitting for Justice Judith French, and Twelfth District Court of Appeals Judge Robin Piper, sitting for Justice Patrick DeWine.

Justice Patrick Fischer and Justice Sharon Kennedy each issued dissenting opinions finding the documents do not meet the CLEIR exception and should be released. They were joined by Justice Terrence O'Donnell.

Both accused the majority of legislating from the bench.

"This court must refrain from rewriting the statute on the basis that it thereby improves the law," Justice Fischer wrote.

Justice Kennedy took aim at the majority's use of "investigative value" under the CLEIR exception, which she said "amounts to building a foundation on quicksand - where the exception swallows the rule."

"The only disservice done to the language of the statute and to the legislature is done at the hands of the majority by inserting its own policy-making decisions into the language of the statute," she wrote. "A body of four thereby elevates its policy preferences over the balanced and reasoned decision-making of the whole of the General Assembly."



Attorney General Mike DeWine's office is leading the investigation into the murders, and has been tight-lipped about developments. Around the one-year anniversary of the killings AG DeWine said progress is being made in the case, but offered few specifics. (See Gongwer Ohio Report, April 13, 2017)

### JobsOhio Highlights Financial Technology Accelerator

JobsOhio and major companies in the state are celebrating the first group of startup financial technology businesses to complete an accelerator program they're backing.

Ten startups earlier this month graduated from the Fintech71 accelerator in Columbus, where the JobsOhio board met on Thursday.

The 10-week program, which awarded \$100,000 to chosen startups and provided them mentorship through partner companies, is sponsored by JobsOhio, Grange, Huntington, Accenture, Visa and Key Bank. A number of other corporations also served as partners and supporters.

JobsOhio Managing Director Valentina Isakina said Ohio is ripe for products in the realm of "fintech" -which is short for financial technology - because Ohio has the second largest concentration of financial institution headquarters in the country.

However, about 30% of traditional financial jobs in insurance and accounting are expected to disappear over the next 10-15 years as the sector becomes more data- and tech-driven, she said.

"That's a huge impact in our community that we need to balance out," she said.

They'll be replaced by Fintech, an area in which Ohio wants to be at the forefront, Ms. Isakina said. Jobs in that sector are being added to the economy quickly and are paying nearly twice as much as traditional financial jobs.

Innovations that are driving the shift include artificial intelligence, machine learning, blockchain, cryptocurrencies, and ownership of digital footprints, she said.

"We need to continue to think about the future because the future is coming with very different jobs," Ms. Isakina said.

Cheryl Lebens, who is the chief risk and strategy officer for Grange, said the mid-size insurance company wanted to partner with Fintech71 in part because of consumer desire for more innovative technology.

"Sponsorship was our big investment in innovation," she said.

Among the companies that took part in the pilot program was Steady, which is launching a phone application to help users optimize their incomes and acquire skills that match with available jobs.

Others include Elafiris, which deploys AI-based virtual insurance agents to attract and retain millennial customers, and PayKey, which allows banks to provide users access to banking service while text messaging.

The non-profit accelerator garnered national interest during the application period, with five of the companies that participated in the inaugural class coming from outside the U.S, according to JobsOhio. Two of the startups were Ohio based.

Also at the meeting, board members received an update on the economic development group's projects. JobsOhio President and CEO John Minor, said 227 projects had led to 82,000 new and retained jobs and \$5.3 billion in payroll as of Nov. 30.

There are currently 410 projects in the pipeline that could bring more than 67,000 jobs to the state, he said.

### Medicaid Program Would See Federal Funding Cut If CHIP Not Reauthorized, Director Says

If Congress does not reauthorize the Children's Health Insurance Program, Ohio's Medicaid program would continue to cover enrollees at a less favorable federal funding match rate, officials said Thursday.

Medicaid Director Barbara Sears told the Joint Medicaid Oversight Committee that the state doesn't have a separate CHIP program like other states do. The program is managed by the Department of Medicaid, which would continue to run it once federal funding runs out, but at a greater cost to the state.

Asked by Rep. Emilia Sykes (D-Akron) what would happen if the federal government doesn't reauthorize the funding for the program, Director Sears said it would lead to a shift in how the coverage is funded.

"Instead of receiving the higher federal match of our CHIP program, it returns to traditional match," the director said. "We have an exposure on the federal-state share ratio, but we do not have a situation like other states where we would have to shut the program down."

Under CHIP, the program is 96.95% funded by federal money, according to ODM. If the program has to switch to the traditional Medicaid match, that ratio shrinks to 62.78%.

The state can't freeze enrollment or end the program even if there is no federal funding, ODM said. CHIP funding for Ohio could run out at the end of February.

ODM reported about 209,000 enrollees on average in Fiscal Year 2017 under the CHIP program.

The reauthorization of CHIP has been debated since federal funding expired on Sept. 30. The U.S. House passed an extension in November, but Democrats objected to the bill's offsets.

Democrats in Ohio's congressional delegation referred to the effort as a "veiled attempt to sabotage the Affordable Care Act." (See Gongwer Ohio Report, November 3, 2017)

Gov. John Kasich joined a bipartisan group of governors this week in sending a letter to congressional leaders urging them to reauthorize the program.

"In the absence of Congressional action, we have worked to protect coverage for children and pregnant women in each of our states, but we will need federal support to continue the program," the governors wrote. "Resources are nearly exhausted and some states already have begun to inform families that their children's coverage may end on January 31."

"Since its creation, CHIP has enjoyed strong bipartisan support," the letter continued. "We encourage you to work across the aisle to find common ground that will allow this important program to continue and give the families who rely on CHIP the peace of mind of knowing that their children will be able to get the health care they need in the new year."

Advocacy groups have pointed to CHIP as being an essential tool in addressing the state's high infant mortality rate. (See Gongwer Ohio Report, December 8, 2017)

#### Kasich Announces Process To Fill O'Neill's Seat On High Court

Gov. John Kasich on Thursday announced the procedure he will follow to replace outgoing Ohio Supreme Court Justice Bill O'Neill.

Applications to fill the seat will be accepted through Dec. 29. Finalists, who will be picked by Gov. Kasich, his staff and a screening committee of legal professionals, will be interviewed early next year.

Applications and additional information can be found on the governor's website.

The same process was used to fill the vacancy created by the resignation of former Justice Evelyn Lundberg Stratton in 2012.

Justice O'Neill, who would be barred from running for another term on the high court due to age limitations, recently announced he will step down from the bench on Jan. 26 to devote his time to campaigning for the Democratic nomination for governor. Many, including several lawmakers, argue he should have stepped down on Oct. 29, the day he announced his intent to seek the governorship. (See [Gongwer Ohio Report, December 8, 2017](#))

Immediately after announcing his candidacy, with a campaign platform that includes the legalization of marijuana, calls for his resignation began. (See [Gongwer Ohio Report, October 30, 2017](#))

Days later, the justice announced that he would recuse himself from any new cases. (See [Gongwer Ohio Report, November 3, 2017](#))

However, Rep. Niraj Antani (R-Miamisburg) announced plans to introduce a concurrent resolution calling for Justice O'Neill to be removed from the bench for violating the Ohio Code of Judicial Conduct. (See [Gongwer Ohio Report, November 9, 2017](#))

Justice O'Neill's candidacy quickly ran in to trouble after a Facebook post in which he seemingly bragged about his sex life and equated it with allegations of sexual indiscretions levied against U.S. Sen. Al Franken (D-Minn.). The post led some of his fellow Democratic gubernatorial candidates to call for his resignation. (See [Gongwer Ohio Report, November 17, 2017](#))

The Ohio Republican Party has endorsed Seventh District Court of Appeals Judge Mary DeGenaro and Fifth District Court of Appeals Judge Craig Baldwin for the two Supreme Court seats that will be on the ballot in 2018.

### Lawmaker Looks To Shield Images Featuring Nudity, Victims Of Sex Crimes From Public Release

A bipartisan effort is underway to carve out another exemption in the state's public record law.

A bill ([HB 451](#)) introduced by [Rep. Wes Retherford](#) (R-Hamilton) would allow for photographs, film, videotape, digital images and visual or printed material to be withheld if it depicts the victim of an offense in a state of nudity.

Dubbed the "Victims Privacy and Protection Act," the legislation would also exempt from release images featuring the victim of a sexually oriented offense.



Rep.  
Retherford

"When I was informed of the possibility of these victims of sexually oriented crimes having their images of an embarrassing nature be subject to public records request, I immediately started to work to find a fix," Rep. Retherford said.

"I believe this bill is an appropriate balance of protecting victims while not hampering our very strong transparency laws. We should recognize the need to prevent re-victimizing these individuals and work to fix this loophole."

The measure is in response to a 2016 case in which the Ohio Supreme Court ruled that most law enforcement records pertaining to an investigation become public at the conclusion of a trial. (See [Gongwer Ohio Report, December 28, 2016](#))

Attorney Donald Caster had sought Columbus Division of Police records involving the investigation of Adam Saleh, who was convicted of the 2007 murder, kidnapping and attempted rape of Julie Popovich. Mr. Saleh was sentenced to 38 years to life in prison, a conviction that was upheld at the appellate court level. The high court declined to review the appellate court's decision.

The OIP sought the records in Mr. Saleh's case in 2013 when he was no longer actively appealing his case. However, CDP failed to turn over many of the records requested, citing the "confidential law enforcement investigatory records" exemption.

Rep. Retherford said he learned of the possibility of records featuring nudity or victims of sex crimes being released from a local police detective in his district who went through routine public records training.

The bill has broad support, with nearly 70 co-sponsors.

The Ohio News Media Association, however, deems the measure "unnecessary."

"Rep. Retherford invited our comments in advance of the introduction, and we thank him for that opportunity. While this legislation obviously is well-intentioned, it's unnecessary and adds yet another exception to the ever-growing list of exemptions to our open records law," Executive Director Dennis Hetzel said.

"Ohio already recognizes a constitutional right to privacy, and there are no examples to our knowledge of such images being released. We also are concerned that the language lacks specificity and could lead to the withholding of additional public records."

Report Reveals Cost Of High Court Races; O'Brien Scores Endorsements For Congressional Bid; Unions Back Whaley; Cordray Adds Jones Staffer...

Nearly \$3.4 million was spent last year in three Ohio Supreme Court races, one of which was uncontested, according to a new report.

Released by the Brennan Center for Justice at NYU School of Law and the National Institute on Money in State Politics, the report, "Who Pays for Judicial Races?: The Politics of Judicial Elections 2015-16," found that Ohio's spending on high court races ranked eighth in the country over the two-year period examined.

The report raises concerns that the high cost of judicial races could influence decision-making and alludes to Justice Bill O'Neill in noting that its release coincides with a sitting Supreme Court justice "refusing to recuse himself from cases despite actively campaigning for another office."

A total of \$3.1 million was raised by high court candidates in Ohio last year, with another \$233,960 spent by the Republican State Leadership Committee's Judicial Fairness Initiative, the report found.

The report also found that over the two-year period examined, Justice Patrick DeWine was the fifth most prolific fundraiser, pulling in \$1.1 million in his race against Eleventh District Court of Appeals Judge Cynthia Rice.

The report also found that Ohio ranked ninth in television ad spending at \$1.3 million resulting in 4,490 spots.

"Judges are not politicians, and they should rule based on their understanding of what the law requires, not based on political or special interest pressures," Alicia Bannon of the Brennan Center said. "If a judge receives substantial campaign support from someone appearing before the court, they should have to recuse themselves from that case. Paired with robust campaign disclosure laws, an objective recusal policy would help promote public confidence in the integrity of the courts."

**Congressional Bid:** Delaware County Prosecutor Carol O'Brien received a boost in her bid for the 12<sup>th</sup> Congressional District seat Thursday when she announced nearly all of her fellow non-judicial, county-wide elected officials endorsed her candidacy.

Delaware County Sheriff Russ Martin cited Ms. O'Brien's role on the front lines fighting the opioid crisis in announcing his decision.

"I'm confident that Carol O'Brien will be a voice for not only law enforcement, but the whole community on issues that impact our quality of life, while protecting our regional and national interest," he said.

Added Ms. O'Brien: "I'm proud to have the support from such a strong and diverse group of leaders. I've had the privilege of working in concert with our county's elected officials over the years. They know me, and know that

I will continue to fight for the values and ideas we share in Congress. I am thankful for their continued support as we move forward in this campaign."

Another Delaware County politician still weighing an entry into the race, Sen. Kris Jordan (R-Ostrander), said the endorsements will play no role in his decision.

"It doesn't matter who the political bosses and the establishment support," he said. "I've seen a couple of polls and that's not who the people support."

The already crowded primary field includes Sen. Kevin Bacon (R-Minerva Park), Sen. Troy Balderson (R-Zanesville), Brandon Grisez and Jon Halverstadt.

On the Democratic side, John Russell, Ed Albertson, John Peters, Doug Wilson and former Franklin County Sheriff Zach Scott are running for the seat.

**Union Endorsements:** Dayton Mayor Nan Whaley announced three unions are backing her gubernatorial bid.

IBEW Local 82, Plumbers & Pipefitters Local 162 and IAFF Local 136 are endorsing her candidacy.

"After years of failed leadership that's more interested in catering to special interests than listening to the workers of our state, we need someone who represents us in the governor's office," said IAFF Local 136 President Steve Dunham. "That's why we're proud to endorse Nan Whaley for Governor of Ohio. Nan gets it. She gets our communities. And she gets it done. That's the kind of governor that Ohio needs."

Added Mayor Whaley: "Our state is home to the hardest-working people in the nation, and I'm proud of our skilled and talented workforce. What we don't have is a governor and administration that respects the dignity of work. Our state needs forward-thinking leadership that prioritizes our workforce and is dedicated to bringing good-paying careers back to our state. And I look forward to bringing labor and our workers back to the table as we move our state into the future."

**Jones Staffer:** Rich Cordray is staffing up in his gubernatorial bid, and he's seeking to tap into the fundraising prowess that helped Doug Jones to pull off an upset victory in a U.S. Senate special election in Alabama this week.

The campaign has hired Antonia Koch to serve as finance director, the same role she held for the campaign of Mr. Jones.

"She is a formidable fundraiser and adviser who will help ensure we have the resources we need to connect with voters and get our message out," Mr. Cordray said.

**Trump Connection:** A Cleveland-area businessman continues to successfully court those linked to President Donald Trump.

Mike Gibbons' campaign announced that former state lawmaker Joy Padgett, who chaired Ohio Women for Trump, has endorsed his candidacy.

"Mike is the perfect candidate to defeat Sherrod Brown and get results for Ohioans in the U.S. Senate," she said. "He's an outsider and not a career politician who will always fight for the people of Ohio. With a career in the private sector, Mike knows how to get things done and will always put the people of Ohio before the special interests."

**Medical Marijuana:** U.S. Rep. Jim Renacci (R-Alliance) is again taking aim at the process the state utilized for awarding medical marijuana cultivators' licenses, calling the program "corrupt." (See separate story)

"We should not move forward without a full investigation so the voters have confidence in the system to handle marijuana licensing. We simply cannot say they do today," he said.



## Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the [Gongwer website](#).

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

## Supplemental Agency Calendar

### Monday, December 18

**Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 12:30 p.m.**

### Tuesday, December 19

**Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 8 a.m.**

**Mine Subsidence Insurance Governing Board, Bldg. H, 2nd Fl., 2045 Morse Rd., Columbus, 10 a.m.**

### Wednesday, December 20

**BWC Board of Directors, Rm. 3, Level 2, 30 W. Spring St., Columbus, 8:30 a.m.** (The Governance Committee meets 8:30 to 9 a.m.; the Actuarial Committee 9 to 10 a.m.; the Investment Committee 10 a.m. to Noon; the Audit Committee 1 to 2:30 p.m.; and the Medical Services and Safety Committee 2:30 to 4:30 p.m. The Actuarial, Investment and Medical Services and Safety Committee meetings may begin earlier if the preceding meeting adjourns earlier than scheduled)

**Construction Industry Licensing Board, 6606 Tussing Road, OCILB Conference Room, Reynoldsburg, 10 a.m. (Administrative Section)**

### Thursday, December 21

**BWC Board of Directors, Rm. 3, Level 2, 30 W. Spring St., Columbus, 8 a.m.**

### Tuesday, January 9

**Board of Landscape Architects, 77 S. High St., 31st Flr. Board Room, Columbus, 2 p.m.**

## Supplemental Event Planner

### Tuesday, December 19


**Division of Unclaimed Funds public hearing, 77 South High Street, 22nd Floor, Columbus, 10 a.m.**

17 S. High St., Suite 630

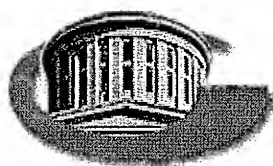
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## Senate Activity for Thursday, December 14, 2017

### DELIVERED TO THE GOVERNOR

**SBBUDGET UPDATE** (Gardner, R., Terhar, L.) To establish the 1:1 School Facilities Option Program, to **8** revise the law regarding applied bachelor's degree programs offered at two-year state institutions of higher education, to modify the schedule for phasing down tangible personal property tax reimbursement payments to school districts, to modify the payment cap in the school funding formula, to modify the law governing the establishment and operation of transportation financing districts, to modify county funding sources for a tourism development district, to modify the veterans organizations grant program, to allow county sheriffs to contract with municipal courts and county courts for the transportation of persons between the county jail and a county court or municipal court, to make deputy sheriffs ex officio bailiffs of county courts and municipal courts, to revise eligibility for School Employees Retirement System pension and benefit recipients' annual cost-of-living adjustments, to repeal a provision regarding acceptance of prior college courses by state institutions of higher education, to authorize a tax credit for insurance companies that provide capital to investment funds investing in businesses in rural areas, to exempt corrective eyeglasses and contact lenses from sales and use tax beginning July 1, 2019, to provide that wages and guaranteed payments paid by a professional employer organization to the owner of a pass-through entity that has contracted with the organization may be considered business income, to make appropriations, to modify earmarks, and to make changes to reappropriations for grants related to the Lakes in Economic Distress Revolving Loan Program.


**SBLAW ENFORCEMENT DATA** (Eklund, J.) To allow disclosure of information from the law enforcement **33** automated data system (LEADS) to a defendant in a traffic or criminal case; to authorize a court to continue on intervention in lieu of conviction an offender who is on it and violates any of its terms or conditions; and to allow certain state highway patrol troopers to administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to their official duties.

**SBAGENCY CONTRACTS** (Manning, G.) To allow a board of alcohol, drug addiction, and mental health **71** services to authorize its executive director to execute contracts valued at \$25,000 or less without the board's prior approval and to allow temporary cash transfers to the Targeting Addiction Assistance Fund.

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## House Activity for Thursday, December 14, 2017

### INTRODUCED

**HBPUBLIC RECORDS** (Retherford, W.) To exclude from the definition of public record under the Public **451**Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. Am. 149.43

### DELIVERED TO THE GOVERNOR

**HBFANTASY CONTESTS** (Dever, J., McColley, R.) To grant the Ohio Casino Control Commission the **132**authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws.


**HBFRANKLIN COUNTY COURT** (Hughes, J., Lanese, L.) To add two judges to the Domestic Relations **174**Division of the Franklin County Court of Common Pleas, one to be elected in 2018 and one to be elected in 2020, and to declare an emergency.

**HBMORTGAGE LENDING** (Blessing, L.) To create the Ohio Residential Mortgage Lending Act for the **199**purpose of regulating all non-depository lending secured by residential real estate, to limit the application of the current Mortgage Loan Law to unsecured loans and loans secured by other than residential real estate, and to modify an exemption to the Ohio Consumer Installment Loan Act.

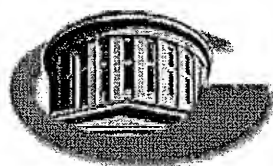
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Legislative Committee Schedules beginning 12/15/2017

## Tuesday, December 19

~~Canceled: Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.~~


- If needed

~~Canceled: Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.~~

- If needed

## Wednesday, December 20

Joint Education Oversight Committee (Committee Record) (Chr. Cupp, R., 466-8150), 77 S. High St., Rm. 1948, 1 p.m.

**NOTE:** Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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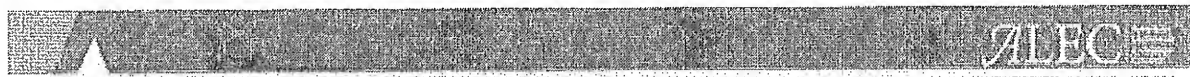
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1 message

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To: latoursm@gmail.com

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### Center to Protect Free Speech Updates December 19, 2017



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#### Center in Action

#### Center Director Shelby Emmett Panelist at Washington Examiner's Campus Speech Event

Dan Moran | ALEC Center to Protect Free Speech



Center to Protect Free Speech Director Shelby Emmett joined Dennis Prager, Marcus Fotenos of Turning Point USA and Red Alert Politics Editor Lauren Cooley on a panel discussing the challenges to free speech on campus. The discussion was lively and the questions from the audience were great. See the **ALEC article** about the event, the **Washington Examiner's article**, and the **video** of the panel.

#### Free Speech At SNPS

#### Free Speech a Major Topic at States and Nation Policy Summit

Daniel Turner, Mike Slabinski | American Legislative Exchange Council



Free speech was a major theme throughout this year's ALEC States and Nation Policy Summit, so the Center to Protect Free Speech was very busy. The Center was hard at work to present opportunities for attendees to gain knowledge through a donor privacy workshop, a campus speech and academic freedom workshop, a commercial speech panel, and a legislative staff training session.

[Read Article](#)

7/24/2018

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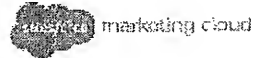


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Gmail - Ohio Media Clips, Wednesday, December 20



Sarah LaTourette Kayser <latourism@gmail.com>

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MEDIA CLIPS

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### News Bill Tracking Legislation

## NEWS

Federal judge dismisses legal effort to stop gas pipeline (Associated Press, 12/20/2017)

Ohio attorney general not joining legal fight over net neutrality (Associated Press, 12/20/2017)

'Right to work' in Ohio? Becker wants voters to choose (Cincinnati Enquirer, 12/20/2017)

Your tax bill savings might not be as big as advertised. The economic development benefits might not be, either (Cleveland Plain Dealer, 12/20/2017)

New Whaley ad praises work, promises jobs (Columbus Dispatch, 12/20/2017)

**Report suggests state agency already has violated new contracting policy (Columbus Dispatch, 12/20/2017)**

**Stivers announces net neutrality bill (Columbus Dispatch, 12/20/2017)**

**Tax revision almost law; one more vote left (Columbus Dispatch, 12/20/2017)**

**Lehner's bill aims to change Ohio teacher evaluation system (Dayton Daily News, 12/20/2017)**

**Report: Ohio cities facing fiscal stress despite improving economy (Dayton Daily News, 12/20/2017)**

**Senate passes GOP tax bill; House to revote Wednesday (Dayton Daily News, 12/20/2017)**

## EDITORIALS

**Editorial: 2012 effort a dog of a law (Columbus Dispatch, 12/20/2017)**

**Editorial: Truth and news under assault (Columbus Dispatch, 12/20/2017)**

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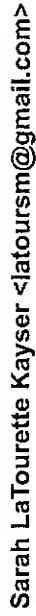
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Gmail - Ohio Media Clips, Wednesday, December 20

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Wed, Dec 20, 2017 at 12:59 PM

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Without a doubt, 2017 has been a great year for free market policy and for ALEC. Fiscally responsible, free market victories across the states will continue to grow a healthy economy and protect hardworking taxpayers. From right to work in Kentucky and Missouri to pension reform in Pennsylvania, ALEC members are paving the way for more freedom and prosperity in the 50 states. By engaging ALEC alumni in congress with a clear federalism message, ALEC members raised their voice in favor of eliminating the State and Local Tax Deduction and joined the advisory council of the House Bipartisan Task Force on Intergovernmental Affairs to advance the roll of states in national policy.

ALEC has winning ideas because they come from you. In 2017, the Homeland Security working group

became a task force and members started a rural caucus with the intention of growing it into a major ALEC program. With 2018 and the mid-term election on the horizon, look to ALEC for innovative policy solutions and partnership with leading researchers and industry experts.

On January 1, 2018, ALEC will begin its 45th Anniversary Celebration with new leadership from 2018 chairman North Carolina Representative Jason Saine. As you read this, think back on how ALEC has made an impact on you personally. What can you do to help commemorate ALEC in your state or to help grow the organization, so it remains strong for generations to come.

Now is the time to bring your colleagues and counterparts into the ALEC family. ALEC is where the action is; where debate happens, and where ideas are tested. As proven by *Rich States, Poor States* — now in its 10<sup>th</sup> edition — and so many other ALEC studies, states with sound free market policies have the winning recipe for growth and opportunity... Just look at Indiana and North Carolina, the homes of our 2017 and 2018 chairman.

Please share this message with your friends. We want more legislator and private sector partners to contribute to and benefit from the robust exchange at ALEC. Linked below are highlights from the year to help you tell your ALEC story.

Happy holidays and here's to a great 2018.

Sincerely,

Lisa B. Nelson  
Chief Executive Officer  
American Legislative Exchange Council

#### ALEC Year in Review Slideshow

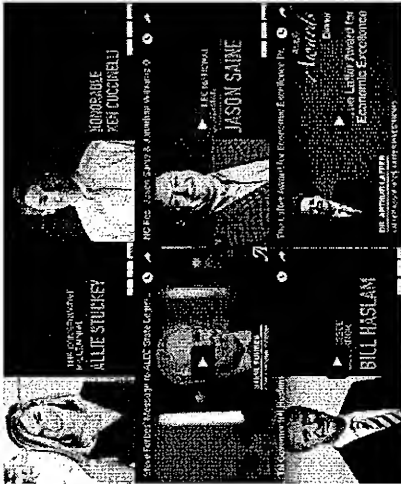


2017 has been a great year for ALEC and its members. Take a look back through this slideshow and celebrate another year of limited government, free markets and federalism.

[View Slideshow](#)

#### Speakers From the States and Nation Policy Summit

Speakers at the States and Nation Policy Summit included: Governor Bill Haslam, Honorable Ken Cuccinelli, Dr. Arthur Laffer,



Stephen Moore, Steve Forbes, Larry Kudlow, Allie Stuckey, Senator Dr. Mark Green, Congresswoman Diane Black, Senator Wayne Niederhauser, Dr. Trent Kaufman, Matt Shaulis, Councilwoman Ellen Troxclair, Representative Jason Saine and ALEC Chief Economist Jonathan Williams.

[View Videos](#)

### Speakers from the 44th ALEC Annual Meeting



Speakers from the 44th ALEC Annual Meeting included: Secretary Betsy DeVos, Secretary Alexander Acosta, Governor Matt Bevin, Newt Gingrich, Pete Coors, Darcy Olson and Guy Benson.

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**House & Senate Floor Reports**

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## HOUSE ACTIVITY REPORT

### INTRODUCED

**HJR 7**

**UNION MEMBERSHIP** (Becker, J., Riedel, C.)  
Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.

**HJR 8**

**UNION MEMBERSHIP** (Becker, J., Riedel, C.)  
Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.

**HJR 9**

**PREVAILING WAGE** (Becker, J., Riedel, C.)  
Proposing to enact Section 43 of Article II of the

Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

**HJR 10**

**PROJECT LABOR AGREEMENTS (Becker, J., Riedel, C.)**

Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

**HJR 11**

**COLLECTIVE BARGAINING (Becker, J., Riedel, C.)**

Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.

**HJR 12**

**UNION DUES (Becker, J., Riedel, C.)**

Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.

**HB 454**

**CEMETERY LOTS (Patterson, J., Arndt, S.)**

To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner.

## SENATE ACTIVITY REPORT

### INTRODUCED

**SB 246**

**STUDENT REMOVAL (Lehner, P., Manning, G.)**

To enact the "SAFE Act" to revise the procedures for emergency removal of a student,

**to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation.**

---

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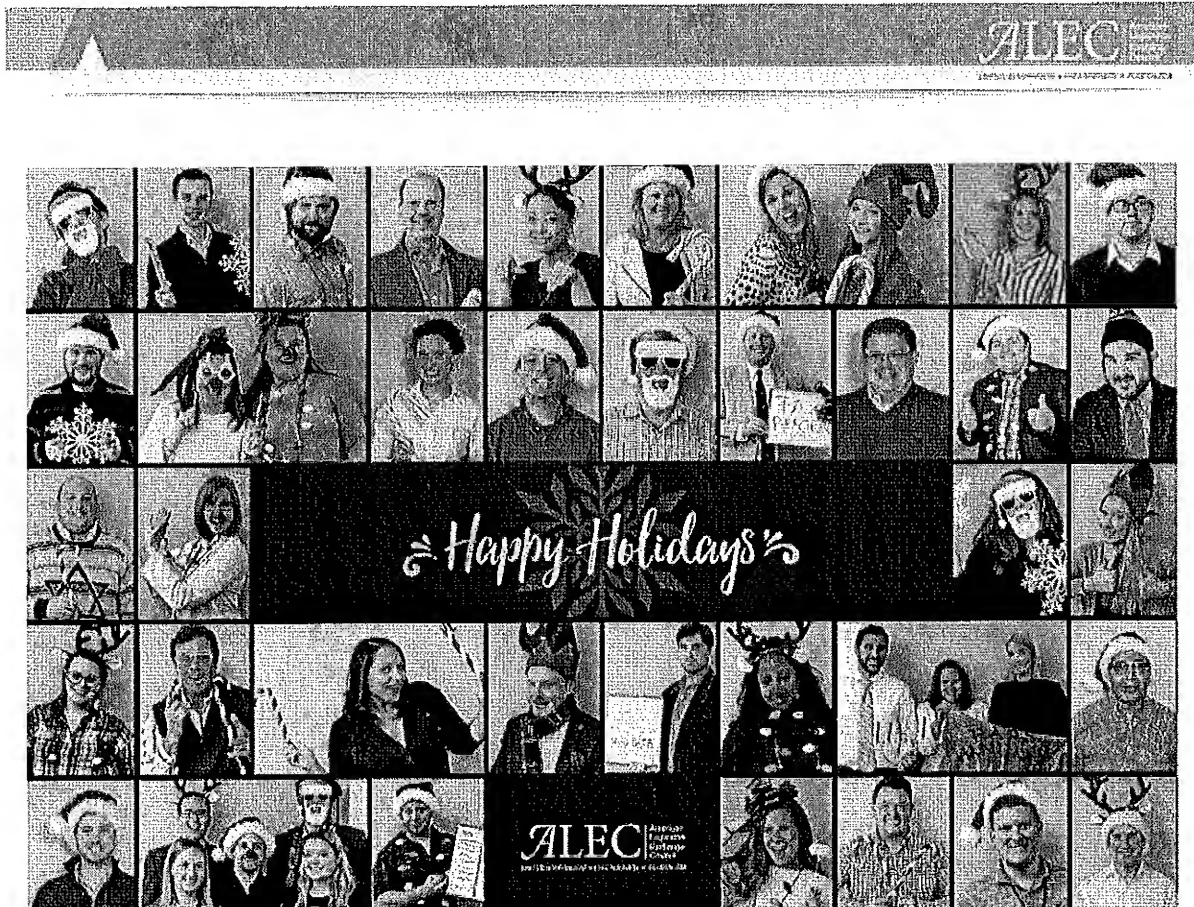
**Happy Holidays from ALEC**

1 message

**American Legislative Exchange Council** <ahackbarth@alec.org>

Thu, Dec 21, 2017 at 12:00 PM

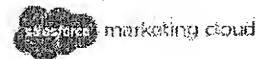
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Gmail - Ohio Report, Thursday, December 21, 2017



Sarah LaTourette Kayser <latoursm@gmail.com>

**Ohio Report, Thursday, December 21, 2017**

1 message

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To: sml@sarahlatourette.com

Thu, Dec 21, 2017 at 6:05 PM

OHIO REPORT

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[News Bill Tracking Legislation](#)

## OHIO REPORT THURSDAY, DECEMBER 21

[Speaker Tasks Universities With Engaging High Schoolers Impacted By Opiate Epidemic](#)

[Right-To-Work, Prevailing Wage Proposals Unveiled In House](#)

[Children Services Agencies See Growing Burden From Drug Crisis; Overdose Deaths Tallied](#)

[House Republican Announces Plan To Crack Down Drug Dealers](#)

['Significant Update' On Belmont County Ethane Cracker Slated For 2018](#)

**Federal Judge Dismisses Property Owners' Lawsuit Against Nexus Pipeline**

**Groups Highlight Economic Impacts Of 'Dreamers' In Push To Restore DACA**

**High Court Green Lights Tax Board To Take Up \$500K NASCAR Appeal**

**Poll Finds Democrats With Big Lead In Generic Congressional Ballots; Bacon Touts Fundraising; Scott Officially Enters District 12 Race...**

## ACTIVITY REPORTS

House

Senate

## CALENDARS

Day Planner

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4 attachments

 Dec21House.htm 12K

 Dec21Senate.htm 5K

 171221dayplan.htm 4K

 Dec21.htm 47K



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## Daily Activity Planner for Saturday, December 23- Monday, December 25

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

No agency meetings scheduled.

### Event Planner

No events scheduled.

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Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

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Event Planner

### **Wednesday, January 3**

**State Senate candidate Gene Krebs news conference on new method of supplemental funding for our county governments, Ladies Gallery, Statehouse, Columbus, 11 a.m.**

### **Thursday, January 11**

**9th Annual Human Trafficking Awareness Day, Statehouse, Columbus, 8:30 a.m.**

### **Friday, January 12**

**2nd Annual Human Trafficking Awareness Day Youth Preservation Summit, Statehouse, Columbus, 9:30 a.m.**

### **Wednesday, January 17**

**Ohio Senate Democratic Caucus leadership fundraiser, Tony's, 16 W. Beck St., Columbus, 5 p.m., (Platinum: \$2,500; Gold: \$1,000; Silver: \$500 to Ohio Senate Democratic Caucus)**

### **Wednesday, February 7**

**Deadline for candidates to file for the primary election**

### **Wednesday, February 28**

**Ohio Cable Telecommunications Association Legislative Luncheon, Renaissance Hotel, 50 N. 3rd St., Columbus, 12 p.m.**

### **Tuesday, May 8**

**Primary election day**

## **Tuesday, May 22**

**Ohio Cable Telecommunications Association Legislative Reception & Technology Demo**, 77 S. High St., Capitol Theater Lobby, Columbus, 5 p.m.

## **Monday, June 25**

**Ohio Cable Telecommunications Association Golf Outing**, The Lakes, 6740 Worthington Rd., Westerville

## **Tuesday, November 6**

**General election day**

**General election day**

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## House Activity for Friday, December 22, 2017

SIGNED BY THE GOVERNOR

**HB 69**  **TIF/TAX LAW UPDATE** (Cupp, R.) To require reimbursement of certain township fire and (Enacted) emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district, to authorize subdivisions to remove territory from existing joint economic development zones (JEDZs), to authorize townships to enter into enterprise zone agreements with retail businesses with the approval of the affected school district, to allow a county or transit authority to levy sales tax in increments of 0.25%, to modify the procedures by which resolutions proposing the levy of property taxes are submitted to electors, and to increase the appropriation for the Medicaid Local Sales Tax Transition Fund.


Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**HB 132**  **FANTASY CONTESTS** (Dever, J., McColley, R.) To grant the Ohio Casino Control Commission the authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws. (Enacted)


Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**HB 170**  **COMPUTER SCIENCE** (Carfagna, R., Duffey, M.) With regard to academic content standards and curriculum requirements for computer science; to revise educator qualifications regarding computer (Enacted) science; to authorize public schools to establish computer science and technology funds; and to permit a nonreligious chartered nonpublic school to choose the manner by which auxiliary services funding is distributed to the school.


Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**HB 174**  **FRANKLIN COUNTY COURT** (Hughes, J., Lanese, L.) To add two judges to the Domestic Relations Division of the Franklin County Court of Common Pleas, one to be elected in 2018 and one (Enacted) to be elected in 2020, and to declare an emergency.

Signed: December 22, 2017; Effective: Immediately

Gongwer Coverage

**HB 196**  **AWARENESS MONTH** (Lipps, S.) To designate October as "Ohio Chiropractic Awareness Month." (Enacted) Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**HB 199 MORTGAGE LENDING (Blessing, L.)** To create the Ohio Residential Mortgage Lending Act for the purpose of regulating all non-depository lending secured by residential real estate, to limit the application of the current Mortgage Loan Law to unsecured loans and loans secured by other than residential real estate, and to modify an exemption to the Ohio Consumer Installment Loan Act.  
(Enacted)

Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**HB 214 ABORTION (LaTourette, S., Merrin, D.)** To prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome.  
(Enacted)

Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**HB 215 PAULDING COURTS (Riedel, C.)** To create the Paulding County Municipal Court in Paulding on January 1, 2020, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2019.  
(Enacted)

Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**HB 223 STRUCTURED SETTLEMENTS (Dever, J.)** Relative to transfers of structured settlement payment rights and relative to the placement of fiduciary funds in interest on lawyer's trust accounts.  
(Enacted)


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Gongwer Coverage

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## Senate Activity for Friday, December 22, 2017

SIGNED BY THE GOVERNOR

**SB 8 ■ BUDGET UPDATE** (Gardner, R., Terhar, L.) To establish the 1:1 School Facilities Option Program, (Enacted) to revise the law regarding applied bachelor's degree programs offered at two-year state institutions of higher education, to modify the schedule for phasing down tangible personal property tax reimbursement payments to school districts, to modify the payment cap in the school funding formula, to modify the law governing the establishment and operation of transportation financing districts, to modify county funding sources for a tourism development district, to modify the veterans organizations grant program, to allow county sheriffs to contract with municipal courts and county courts for the transportation of persons between the county jail and a county court or municipal court, to make deputy sheriffs ex officio bailiffs of county courts and municipal courts, to revise eligibility for School Employees Retirement System pension and benefit recipients' annual cost-of-living adjustments, to repeal a provision regarding acceptance of prior college courses by state institutions of higher education, to authorize a tax credit for insurance companies that provide capital to investment funds investing in businesses in rural areas, to exempt corrective eyeglasses and contact lenses from sales and use tax beginning July 1, 2019, to provide that wages and guaranteed payments paid by a professional employer organization to the owner of a pass-through entity that has contracted with the organization may be considered business income, to make appropriations, to modify earmarks, and to make changes to reappropriations for grants related to the Lakes in Economic Distress Revolving Loan Program.

Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**SB 33 ■ LAW ENFORCEMENT DATA** (Eklund, J.) To allow disclosure of information from the law (Enacted) enforcement automated data system (LEADS) to a defendant in a traffic or criminal case; to authorize a court to continue on intervention in lieu of conviction an offender who is on it and violates any of its terms or conditions; and to allow certain state highway patrol troopers to administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to their official duties.

Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**SB 62 ■ DAY DESIGNATION** (Yuko, K.) To designate July 8 as "Harrison Dillard Day." (Enacted)

Signed: December 22, 2017; Effective: In 90 days


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**SB 71 ■ AGENCY CONTRACTS** (Manning, G.) To allow a board of alcohol, drug addiction, and mental (Enacted) health services to authorize its executive director to execute contracts valued at \$25,000 or less without

the board's prior approval and to allow temporary cash transfers to the Targeting Addiction Assistance Fund.


Signed: December 22, 2017; Effective: In 90 days

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**SB 134**  **ROAD NAMING** (Gardner, R.) To designate multiple memorial highways, a memorial bridge, and a (Enacted) memorial picnic area and to amend and create multiple license plates.

Signed: December 22, 2017; Effective: In 90 days

Gongwer Coverage

**SB 169**  **TRAVEL INSURANCE** (Wilson, S.) To permit the Superintendent of Insurance to act as or select a (Enacted) group-wide supervisor for an internationally active insurance group, regarding delinquency proceedings involving insurer-members of federal home loan banks, and to oversee the sale of travel insurance.

Signed: December 22, 2017; Effective: In 90 days


Gongwer Coverage

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Gmail - Ohio Media Clips, Wednesday, January 3



Sarah LaTourette Kayser <latoursm@gmail.com>

## Ohio Media Clips, Wednesday, January 3

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>

To: sml@sarahlatourette.com

Wed, Jan 3, 2018 at 8:36 AM

MEDIA CLIPS

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### News Bill Tracking Legislation

## NEWS

Lawmakers push right-to-work for 2020 ballot (Akron Beacon Journal, 1/3/2018)

Democrat in Ohio governor's race picks running mate: (Associated Press, 1/3/2018)

Ohioans can apply for amnesty to settle unreported tax debts: (Associated Press, 1/3/2018)

Ohio's child support system: Everyone agrees it's broken. But a fix has taken 25 years – and counting. (Cincinnati Enquirer, 1/3/2018)

Ohio's move to toss inactive voters from rolls goes to court (Cincinnati Enquirer, 1/3/2018)

Joe Schiavoni picks state board of education member as running mate (Cleveland Plain Dealer, 1/3/2018)

Medical device tax is back; industry seeks repeal (Cleveland Plain Dealer, 1/3/2018)

19-year-old takes office as city council member in eastern Ohio (Columbus Dispatch, 1/3/2018)

Governor's race Q and A | Mary Taylor (Columbus Dispatch, 1/3/2018)

Joe Schiavoni picks Stephanie Dodd as running mate (Columbus Dispatch, 1/3/2018)

Ohio Supreme Court wants state's execution-drug records (Columbus Dispatch, 1/3/2018)

From pizza delivery robots, to boozy ice cream, a look at new Ohio laws (Dayton Daily News, 1/3/2018)

On Twitter, President Trump comes out swinging in 2018 (Dayton Daily News, 1/3/2018)

2018 could be a busy ballot year in Ohio (Toledo Blade, 1/3/2018)

## EDITORIALS

Editorial: 2012 effort a dog of a law (Canton Repository, 1/3/2018)

Ohio lawmakers should keep the seriously mentally ill off Death Row: editorial (Cleveland Plain Dealer, 1/3/2018)

Senators working to turn tide of drug epidemic (Toledo Blade, 1/3/2018)



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Gmail - Michael Canty Tour on Jan 15 at 9am



Sarah LaTourette Kayser <latoursm@gmail.com>

## Michael Canty Tour on Jan 15 at 9am

1 message

Bobby Ina <bobbyina@ymail.com>

Reply-To: Bobby Ina <bobbyina@ymail.com>

To: Tom Patton <tpatton@btoho.com>, Dave Greenspan <dave@davegreenspan.com>, Sarah LaTourette <sml@sarahlatourette.com>

Thu, Jan 4, 2018 at 8:18 AM

Tom, David and Sarah,

Hope you guys are doing well!

Just wanted to give everyone a heads up that I invited Michael Canty to tour Sheet Metal Worker's Local 33's training center located at 12515 Corporate Drive in Parma on January 15th at 9am.

My first meeting with Michael went very well but I wanted him to tour a facility before he makes his mind up on right to work, prevailing wage, project labor agreement, collective bargaining rights, etc... I am a firm believer that we can get Michael on our side and show a unified front in Northeast Ohio when it comes to labor issues.

It would be great if you guys can attend to show Michael the relationship you guys have with my clients and talk to him a little bit about labor issues in the legislature.

Please let me know if you are able to attend.

Thanks!

**Bobby Ina, Managing Director**  
**Metropolis Consulting, LLC**  
3397 Ledgewicke Circle  
Fairlawn, OH 44333  
(216) 973-4088  
metropolisconsulting.com  
peopleinpolitics.us  
bobbyina@ymail.com

7/23/2018

Gmail - Re: Michael Canty Tour on Jan 15 at 9am



Sarah LaTourette Kayser <latoursm@gmail.com>

**Re: Michael Canty Tour on Jan 15 at 9am**

1 message

Dave Greenspan <dave@davegreenspan.com>

To: Bobby Ina <bobbyina@gmail.com>

Cc: Tom Patton <tpatton@btoho.com>, Sarah LaTourette <smi@sarahlatourette.com>

Thu, Jan 4, 2018 at 9:56 AM

Thank you. I'll see you all there.

Regards

Dave Greenspan

440-835-3820

[www.DaveGreenspan.com](http://www.DaveGreenspan.com)

Paid for by Friends of Dave Greenspan

On Jan 4, 2018, at 8:18 AM, Bobby Ina <bobbyina@gmail.com> wrote:

Tom, David and Sarah,

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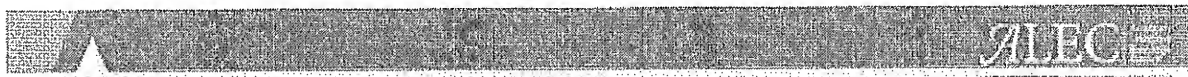
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1 message

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Thu, Jan 4, 2018 at 3:51 PM

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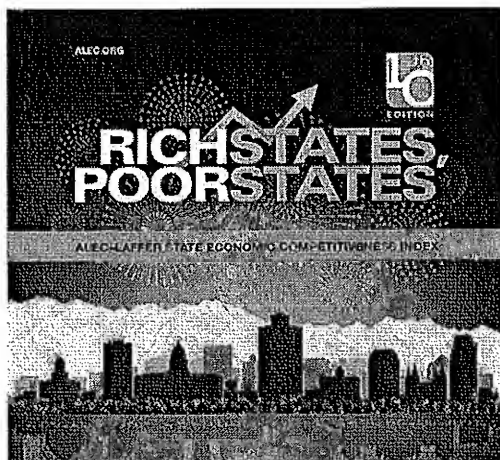
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#### How Does Your State Rank?

**Rich States, Poor States Releases its 10th Edition**  
ALEC Center for State Fiscal Reform

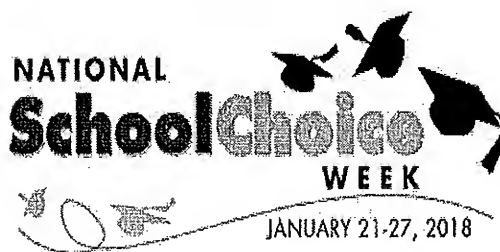


The American Legislative Exchange Council Center for State Fiscal Reform has released its 10th annual edition of *Rich States, Poor States*. You can download a copy of the report [here](#), or visit [www.richstatespoorstates.org](http://www.richstatespoorstates.org) for more information and resources.

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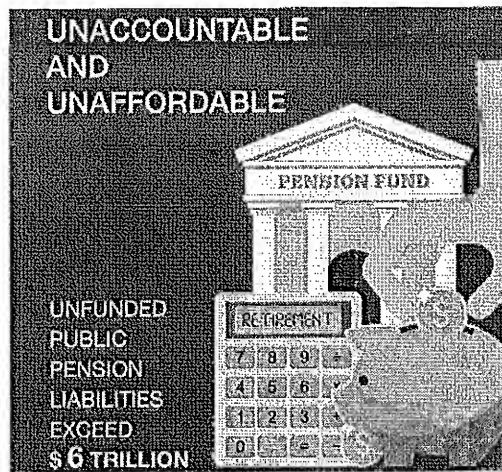
#### Coming Up in 2018

**School Choice Week is Coming Up**

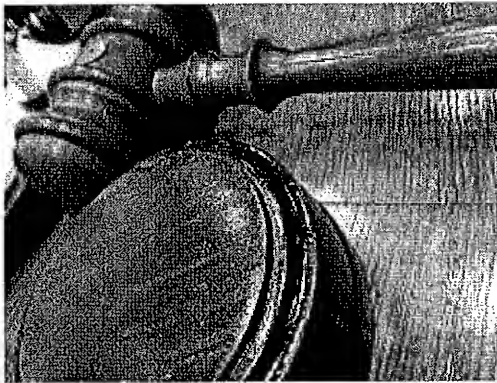


2018's National School Choice Week is January 21 to January 27, and ALEC will release the 22<sup>nd</sup> edition of the **Report Card on American Education**. The new report assigns grades to each state based on K-12 performance, progress and reform. You can view the data on [www.alecreportcard.org](http://www.alecreportcard.org).

[Visit Site](#)

**Unaccountable and Unaffordable 2017 Member Call**

On Thursday, January 11 at 3:00 PM, The ALEC Center for State Fiscal Reform will host a conference call to discuss *Unaccountable and Unaffordable*, which details the crisis of underfunded public pensions across the United States.

[RSVP for Call](#)
[View Report](#)
**Review 2017 ALEC Model Policy**

Across three conferences in 2017, the members of the ALEC Task Forces introduced, debated and passed over 50 articles of model policy. As you prepare for 2018, review the draft and final policies from the last year. **\*Note:** Policies marked as "Draft" have not yet been finalized by the Executive Committee.\*

- **Spring Task Force Summit Model Policy**
- **Annual Meeting Model Policy**
- **States and Nation Policy Summit Model Policy**


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### News Bill Tracking Legislation

## NEWS

Governor names second Ohio poet laureate (Associated Press, 1/8/2018)

Proposed Ohio law would prevent forced nurse overtime (Associated Press, 1/8/2018)

Mandel's shocking exit has Republicans concerned (Cincinnati Enquirer, 1/8/2018)

Ohio's next governor: sorting out 9 candidates (Cincinnati Enquirer, 1/8/2018)

Social media reactions to Mandel's decision to exit U.S. Senate race (Cincinnati Enquirer, 1/8/2018)

Jeff Johnson, former Cleveland councilman, plans to challenge Ohio Sen. Sandra Williams in May primary (Cleveland Plain Dealer, 1/8/2018)

Josh Mandel drops out of the Senate race (Cleveland Plain Dealer, 1/8/2018)

Marijuana legal in most states, but in few states won by Donald Trump (Cleveland Plain Dealer, 1/8/2018)

Ohio still has a political gender gap, but not in the race for governor: A Woman's Place (Cleveland Plain Dealer, 1/8/2018)

ECOT case prompts calls for better rules to verify student enrollment (Columbus Dispatch, 1/8/2018)

Grandparents raising kids of addicts struggle with little aid (Columbus Dispatch, 1/8/2018)

Josh Mandel quitting US Senate challenge of Sherrod Brown seat (Columbus Dispatch, 1/8/2018)

Ohio purge of voter rolls gets Supreme Court scrutiny this week (Columbus Dispatch, 1/8/2018)

Ohio school districts anxious for refunds from ECOT's \$60 million repayment (Columbus Dispatch, 1/8/2018)

Taylor stays firm with governor run; Renacci reportedly considering bid for Senate (Columbus Dispatch, 1/8/2018)

Top Ohio House GOP aide leaving for campaign roles (Columbus Dispatch, 1/8/2018)

Will 2018 be the political year of the woman? (Columbus Dispatch, 1/8/2018)

Are you owed money? Ohio's unclaimed fund hits \$2.6 billion (Dayton Daily News, 1/8/2018)



Group pushing ballot measure to increase regulation of puppy mills  
(Dayton Daily News, 1/8/2018)

Josh Mandel drops out of the U.S. Senate race against Sherrod Brown  
(Dayton Daily News, 1/8/2018)

Key issue in court case: Did Ohio deprive people of right to vote?  
(Dayton Daily News, 1/8/2018)

Ohio voters will have multiple candidates to choose from in 2018 (Toledo  
Blade, 1/8/2018)

Republican lawmakers push to make Ohio "right to work" (Toledo Blade,  
1/8/2018)

Senator Brown in Toledo to tout anti-fentanyl act (Toledo Blade, 1/8/2018)

## EDITORIALS

Beacon Journal/Ohio.com editorial board: This is the time to protect  
Dreamers (Akron Beacon Journal, 1/8/2018)

Voting in Ohio matters - look at the 141 ties and one-vote races in the last  
five years: Thomas Suddes (Cleveland Plain Dealer, 1/8/2018)

Editorial: Legislature failed Ohio consumers (Columbus Dispatch,  
1/8/2018)

Editorial: One vote does count: See Va. and Ohio (Columbus Dispatch,  
1/8/2018)

Opioid aid for Ohio's towns (Toledo Blade, 1/8/2018)

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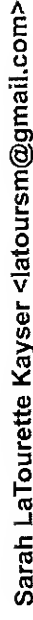
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To: [sml@sarahlatourette.com](mailto:sml@sarahlatourette.com)

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## NEWS

**Mandel replacers: Latest update on who's in, out (Cincinnati Enquirer, 1/9/2018)**

**Proposed Ohio law would prevent forced nurse overtime (Cincinnati Enquirer, 1/9/2018)**

**Dennis Kucinich files paperwork for potential gubernatorial run  
(Cleveland Plain Dealer, 1/9/2018)**

**Former Cleveland Councilman TJ Dow may seek Ohio House of Representatives seat (Cleveland Plain Dealer, 1/9/2018)**

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**Justice O'Neill to announce running mate Tuesday in governor's race  
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Ohio sued over racial quota on marijuana growing licenses (Columbus Dispatch, 1/9/2018)

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**Democratic governor candidate Bill O'Neill to announce running mate  
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**Group pushing ballot measure to increase regulation of puppy mills  
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**If Trump asks, Renacci may run for Ohio's U.S. Senate seat (Dayton Daily News, 1/9/2018)**

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## Ohio Report, Wednesday, January 10, 2018

1 message

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# OHIO REPORT WEDNESDAY, JANUARY 10

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# GONGWER Ohio

The Record of Capitol Square Since 1906

## Volume #87, Report #7 -- Wednesday, January 10, 2018

### Republicans Reveal Redistricting Plan Outline, Prompting Immediate Opposition

Republicans on Wednesday unveiled their initial proposal to revamp the congressional map-making process, but Democrats and a coalition of groups behind a competing ballot issue aren't buying it.

The apparent disagreement over the majority party's approach puts more heat on policymakers facing a fast-approaching deadline to make the May 8 ballot.

Sen. Matt Huffman (R-Lima), one of two Republican members of the congressional redistricting working group, told members of Senate and House government oversight committees that a joint resolution will likely need to clear the upper chamber by Jan. 24, followed by passage in the House by Feb. 7. ([Huffman presentation](#))

Although the four-member working group has yet to introduce a measure, Sen. Huffman said the proposal will likely combine legislative authority over redistricting with elements of the 2015 issue on legislative redistricting. Simply put, if lawmakers couldn't create an adequate map, the process would be kicked to the bipartisan Redistricting Commission to finish the job.

But members and allies of the Fair Districts=Fair Elections campaign, which is pushing its own redistricting ballot issue for November, say the proposal would actually make things worse for the state. (See [Gongwer Ohio Report, November 3, 2017](#))

"This is not reform, it is a Trojan Horse," said Richard Gunther, an Ohio State University professor emeritus who has worked with Fair Districts and was heavily involved in 2015's Issue 1.

"It looks like a gift, but it smuggles in all kinds of dangerous threats to fairness and democracy itself," Mr. Gunther said of the proposal. "This is a cynical effort by a party to use its supermajorities in the legislature to perpetuate its dominate of our congressional delegation for at least another decade."

Asked whether he would move forward with the proposal absent Democratic backing, Senate President Larry Obhof (R-Medina) said in an interview he expects the resolution to be bipartisan based on the discussions he's had with minority party lawmakers.

Sen. Huffman and the "cohorts he's been working with on both sides of the aisle have come up with a pretty reasonable plan," he said. Sen. Huffman, a key architect of the legislative redistricting changes, did a good job of explaining Wednesday how the latest version addresses concerns raised about prior GOP proposals, he added.

"I think it's a reasonable process, I think it's a fair process," Sen. Obhof said. "If there's a need to do any additional work to it, we have time to do that, but I'm also not at all interested in what party leaders think about the political advantage that they may or may not get from this."

Democratic members of the working group - Rep. Jack Cera of Bellaire and Sen. Vernon Sykes of Akron - weren't as emphatic in their disapproval as Mr. Gunther as they're planning to participate in further negotiations. But they made it clear they too aren't sold on the plan.

They questioned whether the proposal goes far enough in ensuring bipartisanship and think the timeline Republicans are considering may be too ambitious. Sen. Sykes and Rep. Cera did not take part in the committee presentations - a fact Sen. Charleta B. Tavares (D-Columbus) called "noticeable."

Sen. Sykes said there are two main points of contention with the plan: the lack of bipartisanship in the process itself and the ability to gerrymander given the current criteria used to draw districts. "The plan that they are offering a skeleton of so far doesn't offer relief for either of those," he said.

Given the odds that Ohio will lose a congressional seat in the next Census round, Sen. Sykes said, "Our mapmakers looked at it and it seems (Republicans) will still be able to configure 12 out of 15 districts for the majority party and that is the main issue we're trying to address: the ability to gerrymander."

Both Democrats said they remain open for negotiation and that talks will continue among the working group, but added they have yet to see the draft of Republicans' plan. "The devil's in the details," Rep. Cera said.

**The Plan:** Under the proposal, the General Assembly would get the first shot at drawing lines, with that map requiring a three-fifths vote including one-third of the minority party.

"What that means is there is going to be substantial influence by the minority party in how the map is drawn," Sen. Huffman said.

However, he said when presenting the plan to members of the House Government Accountability & Oversight Committee that the level of support required from the minority party is not set in stone at this point.

If legislators can design a map that meets with bipartisan approval by Sept. 30 of the year the census data is made available, that becomes the map. If they can't, then the process would move to the redistricting commission created by Issue 1 - which includes the governor, secretary of state, state auditor, and members chosen by all four legislative caucus leaders.

A plan by the commission would have to be approved by Oct. 15. Similar to Issue 1, a map that receives the support of two members of the minority party on the commission would be good for 10 years. A map that does not receive support from two minority members would only be good for four years.

If a four-year map is produced, the General Assembly would then get a chance to vote on it in order to approve it for 10 years, Sen. Huffman said. If it passes both chambers, it becomes a 10-year map. If that doesn't happen by Oct. 30, it's a four-year map.

The senator said he expected both parties would have incentives to find a compromise on a 10-year map under that setup.

"Because of the uncertainty in control on either side of that, that's what drives people to make a compromise," he said. "That's how deals are made. People are worried about the future."

But Mr. Gunther doubts there would be much incentive on the part of the majority. He likened that provision to an "escape hatch" that undermines the entire proposal by enabling lawmakers to effectively approve a 10-year partisan map.

"The incentives for bipartisanship included in the previous two stages would be eliminated, and partisan gerrymandering would continue," Mr. Gunther said.

The proposal is also likely to include a set of parameters designed to keep districts compact and keep communities together. Those include rules against splitting most counties more than once and prohibitions against dividing a congressional district within a county. The rules would also require mapmakers to try to ensure that each congressional district includes at least one full county.

Sen. Huffman said the rules must provide mapmakers with some flexibility. "The more you limit what the line drawers can do the more likelihood you are going to have a map that doesn't comply with the Ohio Constitution," he said.

Mr. Gunther said the guidelines included in Sen. Huffman's presentation "are largely cosmetic and would be completely incapable of preventing even the most egregious partisan gerrymandering."

He agreed with Democrats who said simulations indicate it would be possible under the plan to create a map with 12 Republicans and three Democrats using the next round of Census data.

"They do impose some limits on how many times small counties - 78 out of 88 - could be split, but at present there are no limits on splitting large counties where most of the state's Democratic voters reside," Mr. Gunther said. "This provides a powerful incentive for gerrymandering by 'cracking' these urban centers."

**The Timeline:** Asked by Sen. Michael Skindell (D-Lakewood) about the rush to get the proposal in front of voters in May during a lower turnout election, Sen. Huffman said to place the measure on the ballot in November would likely require the General Assembly to act in July, and corraling members in the summer months can be difficult.

Sen. Skindell also raised concern about largely removing the governor from the process and taking away the public's ability to referendum the map by approving it as a resolution.

Rep. Cera said negotiations on the proposal should last as long as it takes to reach an agreeable proposal.

"If we're really serious about this, let's continue to talk and negotiate and come up with something we believe is a better approach that eliminates gerrymandering," Rep. Cera said. "Then it can go on the ballot in November. There's no magic to going on the ballot in May other than they want to beat the coalition to the ballot."

Senate Government Oversight and Reform Committee Chairman Sen. Bill Coley (R-Liberty Twp.) said he expects to have a hearing on a bill next week. Public feedback would presumably be gathered via the committee process as the resolutions advance through committees.

Meanwhile, the Fair Districts coalition is redoubling its efforts after seeing Sen. Huffman's proposal. The coalition had gathered more than 188,000 signatures as of Dec. 20 and had reached the minimum number of signatures needed in 27 of 44 counties.

Hours after the presentations, the coalition emailed supporters urging them to contact Sen. Huffman and Rep. Schuring to voice their opposition on a plan that would "institutionalize gerrymandering."

Mr. Gunther said it's not beyond possibility that lawmakers will rally and salvage the plan in a bipartisan fashion.

"But the current proposal contains so many dirty tricks designed to confuse the voters that the Fair Districts coalition sees no alternative at present to redoubling our efforts to place on the November ballot an initiative proposal that will create a level playing field for both parties and restore the quality of democracy in Ohio," he said.

**Obhof Disappointed:** The Senate president, who has insisted that the legislature maintain a key role in the process, expressed disappointment over the statements from critics, some of whom he had met with privately before the unveiling of the concepts.

"I was a little surprised and frankly disappointed with some people's reactions compared to prior conversations that I've personally had with them, but I think we'll all end up being able to work together," he said. "It's not about the legislature versus some other group trying to gather signatures. It's about making sure we end up with a process that we think is good for the state of Ohio."

He wasn't surprised at the immediate salvo from Ohio Democratic Party Chairman David Pepper, who stated on Twitter of the debate: "Gerrymandered statehouse pols desperate to hold onto their power to gerrymander...."

The ODP party chairman also responded to another ProgressOhio tweet that cited skepticism from Mr. Gunther.

"He's right. They're cynically trying to harness the grassroots energy and national momentum behind ENDING gerrymandering to convince people to support something that would lock gerrymandering into Ohio's Constitution," Mr. Pepper stated on Twitter.

Sen. Obhof said of Mr. Pepper's position, "I'm not surprised by that - that's their job. I don't think ODP wants a fair process."

"If someone had a pre-prepared complaint about this this morning, that suggests to me they were more interested in playing partisan politics than they were in listening to the ideas," he added.

Asked about prior feedback from the state's congressional delegation, the Senate president said, "I've had some conversations with people about what they'd like to see, but I don't think that's been a prime motivator for us. I'm less interested in what this means for who is or who isn't in Congress in 2022 or 2024 than I am - and I think all of us are - in making sure we have a fair process that works for the people of Ohio."

Ohio's debate is ensuing in the wake of a federal district court ruling that blocked North Carolina's districts for being too politically motivated.

Sen. Obhof said it remains to be seen whether that holds up in the U.S. Supreme Court, but if it does the decision supports the Ohio GOP's approach - that the plans should not be based on political considerations such as "representational fairness." Instead, the underlying approach should follow the "one-person, one vote" standard and not allow for relatively sizeable variations in the number of citizens drawn into each district, he said.

#### Labor, Worker Advocacy Groups Urge Lawmakers To Reduce Benefit Cuts In Unemployment Proposal

Groups representing workers asked lawmakers Wednesday to focus more on the taxation and revenue side of the state's unemployment compensation issue than on cutting benefits.

The hearing in the House Government Accountability & Oversight Committee marked a rare moment of public opposition to the current proposal ([HB 382](#) and [HJR 4](#)) to overhaul the unemployment insurance system.

Business groups have criticized the plan for not being aggressive enough in terms of cuts to benefits, instead favoring previous legislative proposals that drew even more ire from labor groups. (See [Gongwer Ohio Report, December 22, 2017](#))

Tim Burga, president of the Ohio AFL-CIO, testified in opposition. While he praised sponsor [Rep. Kirk Schuring](#) (R-Canton) for seeking common ground, he said a fair solution would address the lack of revenue, not the benefits.

Ohio employer taxes have been below the national average for 19 of the last 21 years, and the taxable wage base of \$9,500 is below the national average of \$13,782, he said. Meanwhile, the average benefit of \$359 per week was in line with the national average of \$259 per week, while Ohio claimants draw benefits for a shorter time than the national average.

"While House Bill 382 is an improvement over previous proposals, it does not satisfy our standard for worker well-being, economic stability or certainty of administrative outcomes," he said.

"Benefit costs are not the driver of the fund's insolvency, and these cuts limit the purchasing power of laid-off individuals at a time they can least afford," he added.

He also voiced concerns with the proposed employee contribution, including how it would work and what revenue is expected from it.

Graham Bowen, an attorney with the Ohio Poverty Law Center, outlined four areas of concern. One of those - eligibility criteria - would prevent those who work less than 30 hours per week from being eligible for unemployment compensation benefits.

"This legislation should be revised so that more low-wage workers obtain coverage from the unemployment system," he said. "We suggest that the monetary eligibility requirement should be changed so that a minimum wage worker who works at least 20 hours a week qualifies for unemployment benefits."

Mr. Bowen offered suggestions for the employee coinsurance, changing it to a system based on a certain percentage of wages and deducted starting for the first paycheck.

On benefit cuts and the taxable wage base, he said a 10-year freeze in benefits would harm workers as it does not allow increases with a rising cost of living. The increase of the taxable wage base to \$11,000, he said, is not sufficient to maintain solvency over time.

The reduction in benefit weeks would also hurt workers in areas of the state with higher unemployment rates or in areas where a major employer shuts down.

Hannah Halbert, a researcher at Policy Matters Ohio, said that while the bill is an improvement over previous efforts, the proposal isn't a 50/50 deal between employers and workers.

The main cause of the fund's insolvency, she said, is inadequate taxation, and the proposal does not go far enough to address that issue.

"The idea that benefits are somehow out of line or overly generous is just not accurate," she said.

Benefit costs as a share of wages, she said, have been below the national average for the last seven years, she said. The state also limits who is eligible to receive benefits more than most states.

Reducing the weeks people can receive unemployment compensation will also end mandatory work search activities and supports, pushing people out of the labor force, she said.

Lisa Hamler-Fugitt, co-chair of Advocates for Ohio's Future, said a long-term and balanced approach is needed to protect the state's workers.

"Ohio's work environment has changed dramatically over the last several decades, shifting toward a higher prevalence of low-wage, part-time and temporary jobs," she said. "Reform to the unemployment compensation system needs to address this changed work environment without reducing benefits available to the unemployed and underemployed or creating barriers to eligibility."

Ms. Hamler-Fugitt suggested the proposal include provisions to change eligibility standards ensuring minimum wage workers employed 20 hours per week are eligible for benefits. She also supported employee contributions.

Another suggestion was that the funding formula be changed so the minimum safe level and solvency is achieved well before 2030, she said. Part of that can be done by increasing the taxable wage base to the national average of \$13,782 and indexing it annually to reflect wages or prices.

Renacci To Announce U.S. Senate Run

U.S. Rep. Jim Renacci will end his campaign for governor and instead run for the U.S. Senate, a source with knowledge of the decision said Wednesday.

The Wadsworth Republican is expected to make the announcement Thursday.

Rep. Renacci began considering the switch after State Treasurer Josh Mandel, the front-runner in the Republican Senate primary, dropped out last week, citing a family health issue. (See Gongwer Ohio Report, January 8, 2018)

The source said Rep. Renacci met with political staff at the White House, who said he would likely be a strong Republican candidate to challenge incumbent U.S. Sen. Sherrod Brown (D-Cleveland) in November. Mr. Renacci, a businessman who previously loaned his gubernatorial campaign \$4 million, has been a strong supporter of President Donald Trump.

Cleveland businessman Mike Gibbons, previously a longshot for the GOP nomination, has been campaigning for several months for the post and has also pledged millions of his own campaign cash. However, other Republicans are also encouraging "Hillbilly Elegy" author J.D. Vance to run.

Butler County Sheriff Richard Jones said Wednesday he would not seek the nomination.

The congressman's departure from the race will leave Attorney General Mike DeWine and Lt. Gov. Mary Taylor in the Republican field for governor. Ms. Taylor announced her running mate Wednesday. (See separate story)

#### Sponsors: Body Camera Bill Would Clarify Records Law

The sponsors of a bill clarifying whether police body camera footage is a public record said the latest attempt has broad support.

Sponsor Rep. Niraj Antani (R-Miamisburg) said the bill (HB 425) is an improvement over his previous effort (HB585, 131<sup>st</sup> General Assembly), which faced opposition from various groups. Among the key changes: the new version does not lay out a record retention schedule.

Rep. Antani said his bill would establish clarity in the public record law for body-worn police camera videos.

"While these cameras are important in providing transparency and accountability to all involved in a police encounter, they also raise important privacy concerns," he said. "These cameras will be going into places a police camera has never gone before, leaving open the question of whether they are a public record or not. It is the Wild West right now with regards to whether a police-worn body camera is a public record: some believe it is, some believe it is not."

The bill says that, in general, the video is a public record, but it also creates exceptions, Rep. Antani said. Exceptions include if the video is a confidential investigatory record, if it is in a private home or business, if it is a video of a victim of a sex crime or if it includes personal health care information.

"These exceptions were carefully crafted to protect the privacy of our citizens," he said. "This bill also acknowledges the transparency on both sides of the cameras these videos provide by stating that in general the videos are a public record."

Fellow sponsor Rep. Hearcel Craig (D-Columbus) said the proposal will provide law enforcement agencies with the standards they need to be transparent.

"In short, this legislation is about balance - the right balance of transparency and privacy," he said.

The bill would exempt the deaths of a person, including officers and first responders, grievous bodily harm or acts of violence resulting in serious harm, Rep. Craig said. If the injury or death is caused by the officer, the footage is considered a public record.

People will also be able to file actions with the Ohio Supreme Court to release all or parts of the recording, and the court can decide if the recording outweighs privacy concerns.

"After many meetings with law enforcement, medical professionals, legal experts and good government groups, I am proud to report to the committee that I believe we found that exact balance of privacy protections and public transparency in House Bill 425," he said.

Rep. Bill Seitz (R-Cincinnati) said he had heard recommendations that the bill be expanded to include dashboard cameras.

The sensitive nature of body camera videos provides a compelling reason to limit the proposal to body cameras, Rep. Antani said. Dash cams and drones could be added in an amendment or a future bill.

Rep. Keith Faber (R-Celina) suggested placing the dispute resolution process in the Court of Claims instead of the Supreme Court.

"You can always end up going through the courts after the fact, but if you can do it cheaper, faster, better, I would suggest that," he said.

### Bill To Regulate Disposal Of Abortion Remains Clears Committee

Despite being warned that it could fail a constitutional challenge, GOP members of a Senate panel on Wednesday reported legislation dealing with the disposition of fetal remains from abortions.

The measure (SB 28) to require an abortion facility to only dispose of aborted remains through cremation or interment and grant the mother the right to determine the final disposition of remains was moved by the Senate Government Oversight & Reform Committee in a party-line vote.

Before advancing the bill, members of the committee adopted a substitute bill offered by sponsoring Sen. Joe Uecker (R-Loveland) clarifying that those charged with disposing of the remains are not required to obtain a death certificate or a burial permit.

An amendment offered by Sen. Charleta B. Tavares (D-Columbus) that would prevent the state from using taxpayer dollars to defend the legislation in court was tabled in a party-line vote.

Ohio Right to Life cheered the panel's passage of the legislation.

"Human life is intrinsically valuable, and with this legislation, we recognize this fact by restoring some measure of dignity to aborted children, even in death," President Mike Gonidakis said.

Opponents of the bill said the state will likely find itself in court if the bill becomes law.

Jaime Miracle, deputy director of NARAL Pro-Choice Ohio, said similar legislation has been passed in Texas and Indiana. In both cases, she said, courts have temporarily blocked the laws.

"This bill is just like all of the other abortion bans and other restrictions passed by and still being considered by this legislative body since 2011, it is just another sham, based on inaccurate information, being used to block access to safe, legal abortion care in our state," she said.

"And just like the Down syndrome abortion ban passed last month, and the multiple other bills still working their way through the legislature at this time, it is wildly unconstitutional and will result in the wasting of tens or even hundreds of thousands of tax dollars defending it against court challenges."

Sen. Michael Skindell (D-Lakewood) questioned if the remains from stillbirths and miscarriages are treated as the remains from surgical abortions would be under the bill.

Ms. Miracle said that under current law, all fetal remains are treated as medical waste.

"You would think that this would apply to all tissue of this type, not just that from a surgical abortion," she said.



Gary Daniels, chief lobbyist of the ACLU of Ohio, called the measure "legislative harassment" designed to drive up the cost of abortions by requiring the provider to cover the cost of the cremation or internment of fetal remains. He said the bill contains other provisions meant to inconvenience providers.

"This is an increasingly popular tactic of a frustrated anti-choice movement that continued to experience defeat in courts across the country after passing blatantly unconstitutional law," Mr. Daniels said. "In their minds, if they continue to fail at outlawing abortion, then perhaps making it as difficult as possible for clinics and doctors to stay in business will accomplish many of the same goals."

Chairman Sen. Bill Coley (R-Liberty Twp.) questioned whether amending the bill to ensure that all fetal tissue remains are treated the same would make the measure constitutional.

Mr. Daniels said it may strengthen the state's case. However, he said he still sees no compelling government interest in the bill.

Iris Harvey, president and CEO of Planned Parenthood of Ohio, also provided written proponent testimony. Following the vote, she said in a statement that the measure is just another attempt to limit access to abortion.

But Josh Brown, legal counsel and director of policy for Citizens for Community Values, said the bill has the potential to reduce the psychological trauma of women who have an abortion and ensure that remains are treated humanely.

"Women already suffer greatly after an abortion has been performed on their baby," he said. "Women who already suffer from abortion will suffer more when they discover that the remains of their child were thrown in a landfill like common trash. Planned Parenthood itself has acknowledged that these babies' bodies should be disposed of with 'respect.' It is not respectful to the dignity of human life, nor respectful to the mothers of these children to dispose of these remains as inhumanely as trash."

#### Secretary Of State Candidates Detail Priorities At Election Officials Conference

The candidates for secretary of state told county election officials Wednesday that if elected they'll strive to update poll books and protect the security of elections.

Rep. Kathleen Clyde (D-Kent) and Sen. Frank LaRose (R-Hudson) laid out their plans during the kickoff of the Ohio Election Officials Association Winter Conference in Columbus.

As a former election official, Rep. Clyde said she knows firsthand the inner workings of elections and what it takes behind the scenes to make them run smoothly.

It's her goal, she said, to make Ohio first in the nation for the number of registered voters, counted provisional ballots and voter turnout. Currently, the state is somewhere in the middle or bottom of states in those categories, she said.

"Higher turnout is a mark of people feeling hopeful and feeling like their voice matters, that's what I want for Ohio. And all of this is fixable. Ohio can be number one across the board," Rep. Clyde said.

She has sponsored legislation (HB 14) to automatically register eligible Ohio voters, which she said could cut the number of provisional ballots in half and increase election participation.

Rep. Clyde said another priority is ensuring that cyber security policies are in place to protect ballots and voter information.

She announced that she'll soon be introducing a series of bills on that topic. They would establish a cyber security director and advisory council in the secretary of state's office and require counties to use voter-marked and voter-verified paper ballots, she said.



"There are simply too many ways to access computers and electronics even with our best efforts, even if they're not on the internet," Rep. Clyde said. "We can combine low-tech and high-tech for the safest most trustworthy elections."

She and Sen. LaRose both said they'll continue pushing for update technology in the form of voting machines.

Sen. LaRose has introduced legislation ([SB 135](#)) that would fund the new machines, which he said he'd like to see in place for 2019.

He also touted a handful of other bills he's sponsored regarding elections, including those to eliminate uncontested elections ([SB 10](#)), allow local candidates to file electronic campaign finance reports ([SB 44](#)), and prohibit schools that serve as polling places to hold classes on election days ([SB 149](#)).

Sen. LaRose said he's also proud of previous legislation that enacted online voter registration and provided funding for electronic poll books.

"It is easier to vote now and more convenient to vote than it's ever been in our state's history. That is something worth celebrating," he told conference attendees. "You are the men and women on the front lines that have made that happen. This is a story that should be told more often. We should be speaking to our young people about the great strides that we've made as a nation and as a state in making sure that every eligible person is able to cast their ballot."

His experiences in the military are why he places such importance on the election process, Sen. LaRose said. He watched as voters proudly cast ballots in Middle Eastern countries when their lives were threatened for doing so.

As he's worked to move forward legislation aimed at improving that process, he's worked closely with election officials, he said. He plans to continue doing that if he's elected.

"The elections are conducted at the county level, that's where the work is done. That's where a majority of the decisions are made," Sen. LaRose said. "The secretary of state functions as a partnership with those county boards of elections and so if I have the distinct honor of serving as Ohio's next secretary of state, I would not view myself as anyone's boss."

While the candidates agree on a majority of issues, they offered differing takes on the voter case currently being heard by the U.S. Supreme Court.

Rep. Clyde said she would eliminate current practices of removing voters off rolls while Sen. LaRose said he would work toward a solution that ensures the state has accurate rolls.

### Hoops, McClain Chosen To Fill Two Vacant House GOP Seats

House Republican screening panels on Wednesday selected a former member and a former member's son to fill two vacant seats in the chamber.

Pending approval from the full caucus next week, Jim Hoops, who served in the House from 1999-2006, will be seated to represent the 81<sup>st</sup> District, which was left open when [Sen. Rob McColley](#) (R-Napoleon) was appointed to the Senate.

Riordan McClain, son of former Rep. Jeff McClain, was tabbed to replace Wes Goodman in the 87<sup>th</sup> District in the seat previously held by his father. Among others, he beat out former Rep. Steve Reinhard for the appointment.

Mr. Reinhard was among 13 other hopefuls that had applied for one of the two seats. (See [Gongwer Ohio Report, December 19, 2017](#))

Mr. Hoops, of Napoleon, is currently associate vice president for Strategic Initiatives at Northwest State Community College. He also previously served as Henry County auditor.

Mr. McClain, of Upper Sandusky, is director of Finance and Customer Service at Doc Investments LLC. He holds degrees from Bluffton University and the University of Findlay.

"I want to commend all of the very impressive and qualified individuals who took the time to apply and interview for these two House seats," said Rep. Kirk Schuring (R-Canton), who led both screening committees. "After careful deliberation and thorough review, the screening panels have unanimously selected two applicants who we believe have the necessary experience, knowledge and leadership skills to fill these vacancies."

Both of the vacancies stem from lawmaker resignations tied to inappropriate behavior. Mr. Goodman resigned after being confronted about activities that occurred in his Capitol Square office. The Senate seat came open when Cliff Hite quit amidst allegations of sexual harassment.

The two new lawmakers are expected to be sworn in during the House's next voting session on Wednesday, Jan. 17.

#### Meetings Continue On Energy Standards Bill In Advance Of Possible January Vote

Senators are still discussing the timeline for moving a bill to render the state's renewable energy standards voluntary even as interested parties remain divided on the issue.

Senate President Larry Obhof (R-Medina) has said in recent weeks he's hoping for a Senate vote this month.

Asked about that possibility after the Senate Energy & Natural Resources Committee's seventh hearing on the bill, Sen. Troy Balderson (R-Zanesville) said discussions with interested parties - including the Kasich administration - are ongoing.

"I don't want to tell you it's not (on track)," Sen. Balderson said. "We're trying to see if we can come together, have another couple of meetings. We're going to follow the leadership."

The bill (HB 114) as it stands would render the standards voluntary and would lower cumulative energy efficiency standards from 22% to 17% by 2027. Supporters say it would enable the free market to drive those investment decisions while critics say it will steer business away from the state.

Opponents and proponents again turned out in numbers to voice their thoughts in person and in written comments during a hearing on Wednesday.

Michael Cope, interim president of the Ohio Coal Association, said the group continues to support the bill and "believes in the wisdom of the free market and support returning energy policy in Ohio to those principles."

He said he's aware of senators' desire to amend the bill further and that the OCA stands ready to assist in reaching a "positive result that protects Ohio's jobs and ensures your constituents have access to affordable and reliable energy."

Rob Kelter of the Environmental Law & Policy Center came to the standards' defense.

"The bottom line here is that we should make sure that we don't pass legislation that raises customers' bills by lowering the efficiency standards," Mr. Kelter said. Regarding renewable energy, he said the targets as they stand are "easily achievable and a smart hedge."

"As the world moves toward a clean energy economy, companies like Amazon and Google demand that electricity suppliers move toward renewable energy and Ohio should continue moving forward on renewables to keep up with these markets," he said.

Zachary Frymier, director of energy and environmental policy for the Ohio Chamber of Commerce, said the standards are already costing customers and businesses. Customers have shelled out more than \$1 billion to comply since the energy efficiency standards were implemented, he said, and businesses are "burdened by increasingly costly artificial additions to their electricity bills."

But Sen. Michael Skindell (D-Lakewood) pointed to studies estimating consumers save \$5.6 billion because of those programs. "I think that's pretty good and I think the energy efficiency program that was adopted and is now in place is a great savings for consumers," he said.

Mr. Frymier said there are clearly benefits in investing in efficiency measures but that, "We believe the best way to allow that to continue is to allow the free market to drive their efficiency spending."

Christopher Allwein, executive director of Ohio Partners for Affordable Energy, argued the efficiency standards should be continued. He particularly praised weatherization programs, which he said can reduce energy usage between 15-40%.

"Depending on the weatherization measure, the savings will endure for more than 20 years," he said. "These measures reduce energy usage, reduce a customer's energy bill, provide a more comfortable dwelling space, conserve resources, reduce pollution and provide system benefits to both gas and electric distribution infrastructure."

Buckeye Institute Research Fellow Greg Lawson and Industrial Energy Users-Ohio counsel Sam Randazzo also reiterated their groups' positions.

For full testimony visit the [committee's website](#) under Jan. 10.

#### Cordray, Taylor Make Running Mate Choices Official

Two gubernatorial hopefuls on Wednesday announced running mates that added gender and regional diversity to their tickets.

As expected, Democrat Richard Cordray tabbed Betty Sutton as his lieutenant governor hopeful during a news conference in Akron.

Also following earlier indications, Republican Mary Taylor named Nathan Estruth to run on her ticket at an event in Cincinnati.

Mr. Cordray, a Central Ohio resident, and Ms. Sutton, who resides in Copley, both served in the Obama Administration and both have experience in Ohio elected offices. Ms. Sutton's resume includes stints in the U.S. and Ohio Houses, and as administrator of the Saint Lawrence Seaway Development Corporation.

"I'm honored to join forces with Betty to wage this campaign, both because of the vision we share to make Ohio fairer, and because of her track record of delivering results for Ohioans and their families," Mr. Cordray said in a statement.

"As a lawyer fighting for fair treatment and wages for workers, and as a public servant who has worked at the local, state, and federal level, Betty's career has been focused on the 'kitchen table' issues that are at the core of my campaign. Just as importantly, Betty knows how to take on the tough political fights and win, and will be a formidable partner in the coming months."

Ms. Sutton recounted her family's background in asserting that the Democrats would improve conditions for Ohio workers.

"My mom worked at the library and my dad was a boilermaker, and both worked hard to put food on the table and take care of our family. Like Rich, I'm concerned that the opportunities we had have slipped out of reach for far too many of our fellow Ohioans," she said. "I'm excited to join with Rich and work on the issues that matter

the most to Ohioans, like improving education, supporting local communities, and working together to raise wages and bring down the cost of housing, healthcare, and college."

The development means that Ms. Sutton will bring her own gubernatorial campaign to an end.

The running mate pick of Ms. Taylor, of Green, was president and CEO of Hamilton-based materials company iMFLUX and a political activist, having served seven years on the board of directors of the Alliance Defending Freedom, a conservative Christian group. Mr. Estruth, a former Procter & Gamble executive, left his position with iMFLUX to join the campaign, Ms. Taylor said.

"Nathan is a political outsider who shares my conservative values, cares about helping create new jobs for Ohio, and is unafraid of challenging the status quo," Ms. Taylor said in a statement. "Nathan has over 26 years of experience creating jobs. He is a problem-solver and that is exactly what we need in Columbus. Our ticket is a clear contrast to the establishment career politician marriage between Mike DeWine and Jon Husted."

Former Rep. Seth Morgan introduced Mr. Estruth at the event, likening the duo to a "winning recipe" that includes a "CPA, a business leader, a strategist, and a policy expert...."

The campaign said Lt. Gov. Taylor picked the City Gospel Mission to make the announcement to highlight the work the group is doing o fight addiction and the opiate crisis.

The Wednesday developments follow three other recent running mate announcements by gubernatorial hopefuls. Republican Attorney General Mike DeWine and Secretary of State Jon Husted joined forces last month, and more recently Sen. Joe Schiavoni (D-Boardman) tabbed Stephanie Dodd and Democratic Ohio Supreme Court Justice Bill O'Neill named Chantelle Lewis to join their respective races.

**Reaction:** Sen. Schiavoni and Ms. Dodd released a joint statement regarding Mr. Cordray's announcement.

"The Cordray-Sutton combination makes sense, just like DeWine-Husted did. They're all following the same political playbook. But this year, voters are looking for something different," they stated.

"Democrats need a team that can excite young people, appeal to voters lost in 2016, and unite our party and our state moving forward. Ohio's future requires a new generation of leadership."

Connie Pillich, also a Democratic candidate for governor, praised the choice of Ms. Sutton in a news release.

"Congresswoman Betty Sutton is a trailblazer who has served as an example for women everywhere and as a fighter for working Ohioans," she said. "I believe her candidacy was a positive force in this campaign and I am sorry that she feels the need to bow out of the race. I've enjoyed sharing the debate stage with her and wish Congresswoman Sutton nothing but the best."

### Business Groups Tout Benefits Of Cybersecurity Bill

Proponents of a bill designed to provide protections for companies that take steps to protect consumer information said Wednesday that it will improve the state's business climate.

The measure (SB 220) creates an affirmative defense, in the event of a data breach, for businesses that voluntarily improve cybersecurity.

Don Boyd, director of labor and legal affairs at the Ohio Chamber of Commerce, told members of the Senate Government Oversight & Reform Committee the measure builds on the work already done to improve the business climate in Ohio.

The legislation, he said, "lays out the standards under which a business may utilize the safe harbor. The business's cybersecurity program must protect the security and confidentiality of consumers' personal

information, protect against any anticipated threats or hazards to personal information, and protect against unauthorized access of personal information that is likely to result in material risk of identity fraud."

Allen Perk, owner of XLN SYSTEMS and a member of the National Federation of Independent Business-Ohio, said many small businesses are not aware of the cyber threats they face.

"Keep in mind that these small businesses are led by one, maybe two people, and they are more concerned with finding their next project or for that matter, making their next payroll, that they simply do not have time to even think about technology threats or cyber criminals," he said.

Tim Opsitnick, executive vice president and general counsel at Technology Concepts & Design, testified on behalf of the Greater Cleveland Partnership. He told the panel that cybersecurity is increasingly a challenge for businesses of all sizes.

"As you know, the use of technology to conduct business efficiently in the marketplace is practically unavoidable. Unfortunately, the technology we use daily is vulnerable and can be hacked," he said.

"Accordingly, the consequences can have a rippling effect and can be devastating for a business of any size, in any industry - particularly for small businesses. SB220 is a sound initiative that encourages more businesses to properly protect their business ventures, their workforce, and those with whom they do business."

The legislation is a product of the Attorney General Mike DeWine's CyberOhio initiative. Kim Murnieks, COO at the office, said the so-called Data Protection Act is the first legislative initiative to come out of the Cybersecurity Advisory Board.

"To receive the benefit of the Act, a business must implement and maintain a comprehensive cybersecurity program," she said. "To provide guidance to businesses, the Act lists eight different industry recognized cybersecurity frameworks that a business can follow when creating its own cybersecurity program. Businesses are only required to incorporate one of the frameworks into the business' cybersecurity program. Further, businesses are free to choose whichever framework best fits their needs."

Ms. Murnieks also emphasized that the bill does not serve as "an absolute shield for businesses."

"It is our hope that it will provide guidance and structure to the courts when trying to resolve disputes that involve data breaches," she said.

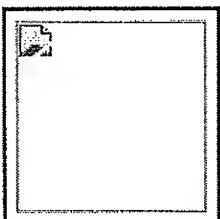
The panel also received written proponent testimony from representatives of NFIB-Ohio, Lunarline and Nationwide.

### Brown Pushes Bridge Funding Proposal As White House Preps Transportation Plan

U.S. Sen. Sherrod Brown is behind a bill that would funnel federal dollars toward some of the 6,400 bridges in the state that need replaced or repaired.

The Cleveland Democrat recently introduced the so-called Bridge Investment Act, which would allocate \$75 billion for bridge repairs and upgrades throughout the country.

Bridge repairs needed nationally total \$123 billion - \$30 billion of which comes from Ohio bridges identified as being functionally obsolete or structurally deficient, according to the U.S. Department of Transportation. (Ohio Bridge List)



"It's a disgrace that we've allowed the transportation system our parents and grandparents left us to fall into disrepair," Sen. Brown said in a conference call on Wednesday.

He said he sees the bill as an integral piece to a larger infrastructure proposal expected from the Trump administration next month.

**Sen. Brown** While campaigning, the president continually promised to introduce a \$1 trillion, 10-year infrastructure plan if he was elected.

"I've been clear since that this is an area where I hope we can work together," Sen. Brown said.

In addition to providing formula funding to states to spend on bridges, the bill will also require the use of American-made products - a tenet Sen. Brown said any larger infrastructure legislation should also include if it's going to receive his support.

"This bill needs to be part of any infrastructure conversation," he said. "We need to make sure any investment in American infrastructure supports American jobs."

He criticized current and former policies that have resulted in the use of cheaper, foreign-made steel.

The practice may be saving the nation on project spending in the short term, but it "is costing American jobs," Sen. Brown said. "That's bad policy."

"American tax dollars shouldn't be paying for Chinese steel," he added.

Pat Gallagher, sub-district director for United Steelworkers District 1 in Ohio, is supporting the legislation as well as pushing for future bills to include similar American-made language.

"Sixty-five percent of all the seamless pipe used in the state is imported," he said as an example. "We have mills on layoff and idle...in Lorain and in Youngstown that could be making this product."

The cost differential between American and Chinese steel varies depending on products, Mr. Gallagher said, but domestic steel is always of higher quality and results in jobs with living wages.

Both Sen. Brown and Sen. Rob Portman (R-Terrace Park) have pushed for the use of American-made products when taxpayer dollars are involved.

Earlier this week, the lawmakers introduced bipartisan legislation that would establish an online hub where federal agencies would report the purchase of American-made goods as well as any waivers sought to buy products from other countries.

When the president's full infrastructure bill is unveiled, Sen. Brown said he's also hoping the funds come from a combination of local, state and federal sources, as it has in the past.

He said he wouldn't be in favor of additional tolling, which was part of last year's talks on the topic.

"This can't be sort of a phony public-private partnership bill where (it isn't) going to pay for bridges in small towns and ultimately is this going to be a bill with Trump tolls where the president is going to charge tolls on every road in the state and country. That's not how we've done transportation in this country," Sen. Brown said.

Supplemental Agency Calendar

## **Thursday, January 11**

**Peace Officer Training Commission, 1650 State Route 56 SW, London, 10 a.m.**

## **Friday, January 12**

**State Board of Education, 25 S. Front St., Columbus, 1 p.m. (STEM Committee)**

## **Friday, January 19**

Southern Ohio Agricultural & Community Development Foundation, 100 S. High St., Hillsboro, 9:30 a.m. (The Budget & Finance Committee will meet immediately after)

## Wednesday, January 24

Arts Council, 33rd Fl., 30 E. Broad St., Columbus, 10 a.m. (The Finance Committee meets previously at 9:30 a.m. and the Executive Committee meets at noon or immediately following the board meeting.)

Supplemental Event Planner

## Friday, January 12

News conference call on CHIP, 10 a.m.

## Wednesday, January 24

Rep. Janine Boyd (D-Cleveland Hts.) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$350 to Friends of Janine Boyd. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))

## Thursday, January 25

Ohio House Democratic Caucus fundraiser, The Boat House, 679 W. Spring St., Columbus, 6 p.m., (Special Guest Former Missouri Secretary of State Jason Kander. Table: \$1500, Host: (includes 2 tickets) \$350, Individual: \$200 to Ohio House Democratic Caucus. RSVP with Amy Katrak at 614-420-1269 or [akatrak@ohiodems.org](mailto:akatrak@ohiodems.org))

## Tuesday, February 13


Ohio House Democratic Caucus fundraiser, Rambling House Soda, 310 E. Hudson St., Columbus, 5:30 p.m., (Sponsor: \$2,500, Host: \$1,000, Friend: \$500, Guest: \$250, Individual \$50 to Ohio House Democratic Caucus. RSVP with Amy Katrak at 614-420-1269 or [akatrak@ohiodems.org](mailto:akatrak@ohiodems.org))

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## House Activity for Wednesday, January 10, 2018

### COMMITTEE HEARINGS

Government Accountability & Oversight

**HJRUNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of **4** the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (**CONTINUED** (See separate story); 7th Hearing-All testimony)

**HJRBALLOT ISSUES** (Antani, N.) Proposing to amend Sections 1a, 1b, 1e, and 1g of Article II of the **5** Constitution of the State of Ohio to modify the requirements for the initiative and referendum processes. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor Rep. Niraj Antani (R-Miamisburg) said the resolution would change the process for initiated constitutional amendments and statutes.

The resolution would increase the number of signatures needed for each by 25%, increase the vote total needed for passage to 60%, and ban the paying of petition gatherers.

The sponsor pointed to Issue 1 and Issue 2 in November's election, both backed by California-based groups.

"Ohio's initiative process is a progressive era reform, intended to empower the citizenry to go directly to the pass to pass a law or amendment if the General Assembly is derelict in our duty," he said. "It was not intended for out-of-state, well-funded special interests to come into our state and buy their way into the Constitution or Revised Code. Unfortunately, every single initiative in recent memory has been the latter. Our initiative process is broken. It is hurting the citizens of Ohio. It's time to fix this problem before it gets completely out of hand."

Rep. Bill Seitz (R-Cincinnati) asked the sponsor if he's researched the constitutionality of banning the payment of petition gatherers.

The sponsor said he included that provision to make a point. A substitute resolution will be introduced to remove that language, which would likely be unconstitutional under a past U.S. Supreme Court ruling.

Rep. Kathleen Clyde (D-Kent) said initiatives are not all coming from outside groups, pointing to a redistricting proposal being circulated by the League of Women Voters.

Initiatives are designed to be done by citizens, not by groups, the sponsor said.

Rep. Brigid Kelly (D-Cincinnati) asked how many other states have a 60% threshold. The sponsor said Florida and Colorado have the same policy.

**SB PRIMARY ELECTIONS** (LaRose, F.) To expand the circumstances under which a board of elections or **10** the secretary of state is not required to hold a primary election. (**CONTINUED**; 2nd Hearing-Proponent)



Paul Adams, director of the Lorain County Board of Elections, said the bill would fix two election problems, including eliminating the requirement to hold a special congressional primary when only one candidate appears on the ballot.

The other issue stems from municipal primary elections. Boards can currently certify candidates to the general election even though only one candidate files, but can't do so if multiple candidates file but only one is certified.

"In short, the goal of SB10 is to save taxpayer dollars, and boards of election from unnecessary work and costs," he said. "It does so while protecting the right of citizens to vote in a primary or special congressional primary IF there is more than one candidate to choose from."

Rep. Dave Greenspan (R-Westlake) asked if the race would appear on a ballot if there were other issues appearing on the same ballot. Mr. Adams said that would be the case.

Secretary of State Jon Husted wrote in support, saying the bill would prevent future occurrences such as a special primary election to replace a candidate for the Eighth Congressional District in 2016 that cost the state more than \$340,000 even though only one name was on the ballot.

"Eliminating such elections would save considerable taxpayer money," he said.

**HB TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (CONTINUED-SUBSTITUTE; 3rd Hearing-All testimony-Possible substitute)

The committee accepted a substitute version of the bill that Chairman Rep. Louis Blessing (R-Cincinnati) said would allow emergency or temporary levies to be placed on the August ballot, among other exceptions, and would require the millage to be listed based on \$100,000 of fair market value. (Comp Doc)

Union County Commissioner Gary Lee, representing the County Commissioners Association of Ohio, spoke in support of the bill, which would limit local tax-related proposals to primary and general elections.

Eliminating special August elections on tax issues would save local governments money and ensure proposals are put before the usually larger electorates in primary and general elections.

"We believe that the option of placing a tax issue before the voters twice a year in November and May provides ample opportunity for local governments to plan and conduct levy campaigns," he said. "We understand that placing issues before the voters in a special election in August may lead to reduced voter turnout, as voters do not expect to be going to the polls in August."

Kent Scarrett, executive director of the Ohio Municipal League, wrote in opposition, saying the bill would eliminate a choice municipalities have in balancing their budgets.

"It is also important to note that special election ballots provide a key opportunity to adequately educate voters on a tax levy," he said. "When a levy is the sole issue on the ballot, it is easier to inform voters as to what the levy would actually accomplish. In a general or primary election, levies are overshadowed by the names on the ballot and can mean voters are making an uninformed decision on an important local matter."

**HB UNEMPLOYMENT COMPENSATION** (Schuring, K.) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (CONTINUED (See separate story); 7th Hearing-All testimony)

**HB BODY CAMERAS** (Antani, N., Craig, H.) To provide that specified portions of peace officers' body-worn

**425** camera recordings and the infrastructure record of a public school are not public records for purposes of the Public Records Law. (CONTINUED (See separate story); 1st Hearing-Sponsor)

**HB ENERGY TAX EXEMPTION** (Schaffer, T.) To expand the scope of a sales and use tax exemption for **430** certain kinds of property used in the production of oil and gas. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Tim Schaffer (R-Lancaster) said the bill would reaffirm statute and practice on the collection of sales tax from oil and gas operations.

Since 1960, the Department of Taxation has determined that items used directly in the exploration of oil and gas are exempt from sales tax. ODOT has recently started auditing the industry and collecting sales tax differently.

The items now being taxed that have not been taxed historically include oil and water separators, brine disposal equipment and private roadways, he said


"House Bill 430 does not change Ohio statute on the way sales tax has traditionally been collected for the industry," he said. "This bill simply reaffirms what we've been doing for decades-it clarifies the Ohio Revised Code, as intended by the Ohio General Assembly, and the Ohio Administrative Code that these direct sales are treated as nontaxable. The purpose is not to expand the scope of the current exemptions or exclusions; rather it is to aggregate and clarify them."

**HB PUBLIC RECORDS** (Retherford, W.) To exclude from the definition of public record under the Public **451** Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (SCHEDULED BUT NOT HEARD; 1st Hearing-Sponsor-Pending referral)

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## Senate Activity for Wednesday, January 10, 2018

### INTRODUCED

**SR ALFALFA PRODUCTS** (LaRose, F.) To recognize the existence of two alfalfa products in light of the **382** recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials.

### COMMITTEE HEARINGS

Government Oversight & Reform

**HBECONOMIC DEVELOPMENT** (Hambley, S., Rogers, J.) To establish a Regional Economic Development **122** Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances. (**CONTINUED**; 2nd Hearing-Proponent)

Jason Warner, manager of government affairs at the Greater Ohio Policy Center, said the legislation is "an important vehicle in fostering thoughtful consideration and review of ways that cities, counties, townships and other public entities can best partner to economically compete from regional areas of strength and effectively address regional needs across Ohio."

However, he said the bill should be changed to expand ex-officio members to include representatives of a state-based advocacy group, a state-based foundation and a metropolitan planning organization.

"Greater Ohio believes these individuals would provide a unique perspective to the Regional Economic Development Alliance Study Committee," he said.

**SB PRISON TERMS** (Bacon, K., O'Brien, S.) To provide for indefinite prison terms for first or second degree **201** felonies and specified third degree felonies, with presumptive release of offenders sentenced to such a term at the end of the minimum term; to generally allow the Department of Rehabilitation and Correction to reduce the minimum term for exceptional conduct or adjustment to incarceration; to allow the Department to rebut the release presumption and keep the offender in prison up to the maximum term if it makes specified findings; and to name the act's provisions the Reagan Tokes Law. (**CONTINUED**; 3rd Hearing-Opponent)

Niki Clum, legislative liaison for the Ohio Public Defender, told members of the panel that the legislation fails to strike the proper balance between keeping high-risk offenders behind bars and ensuring that rehabilitated inmates are released as early as possible.

She also said the legislation is not in line with the recommendations of the Criminal Justice Recodification Committee, as some have claimed.

One Recodification Committee recommendation would require indefinite sentencing for all felony offenders. The bill only covers first, second and some third-degree felony offenses.

"By only including some felony offenses, SB201 serves to further complicate Ohio's already overly convoluted sentencing structure," Ms. Clum said.

Ms. Clum also raised the prospect that the bill could lead to further prison overcrowding, which sponsoring Sen. Kevin Bacon (R-Minerva Park) denied.

**SB CYBERSECURITY** (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that **220** implement a specified cybersecurity program. (CONTINUED (See separate story); 2nd Hearing-Proponent)

**SB ABORTION** (Uecker, J.) Regarding final disposition of fetal remains from surgical abortions. **28** (REPORTED-SUBSTITUTE (See separate story); 3rd Hearing-All testimony-Possible amendments & vote)

**Subscriber's Note:** For full written testimony, see the [committee's website](#) under Jan. 10.

#### Energy & Natural Resources

**HBRENEWABLE ENERGY** (Blessing, L.) To revise the provisions governing renewable energy, energy **114** efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. (CONTINUED (See separate story); 4th Hearing-All testimony)

**SB MINE COMMISSION** (Huffman, M.) To create the Affected Mine Commission, to require the Affected **236** Mine Commission to hear appeals related to oil and gas operations and affected coal mines in lieu of the Reclamation Commission, and to define "affected mine" for purposes of the law. (CONTINUED; 1st Hearing-Sponsor)

Sen. Matt Huffman (R-Lima) said his legislation tackles a practical issue by preserving safety during oil and gas operations. The bill would create the Affected Mine Commission, a group to hear appeals and resolve disputes in lieu of the Reclamation Commission.

Both Sen. Bill Beagle (R-Tipp City) and Sen. Michael Skindell (D-Lakewood) questioned how big the problem is that the legislation is designed to address. Sen. Huffman said the current process to resolve disputes over oil and gas drilling locations in the event of a nearby active mine is cumbersome.

"Some reasonable person may say there's no affected mine here but there's an objection," he said. "Then we have to go into that process which takes a long time. There needs to be clarity so we don't have this same argument over and over."

Regarding his approach, he said he will leave it up to industry groups to opine on the fairness of the bill, but added that consumers must have a voice in the process.

The commission would consist of two members of the Reclamation Commission, two members of the Oil and Gas Commission and one member appointed by the governor. The bill also defines "affected mine" as an above or below ground mine to which the following applies:

- The chief of the division of mineral resources management has issued a permit.
- The application for a permit has been filed for a well within the permitted limits of the coal mining operation.
- The operator has acquired the right to mine coal from the well location from 100% of coal owners.
- Active mining is occurring within 2,500 feet of and progressing toward the proposed well location.

"The purpose of this...is clarity and predictability for the people who are affected by this," Sen. Huffman said.

Sen. Frank Hoagland (R-Adena) said the sponsor "hasn't quite hit the nail on the head yet" in terms of the bill's definition. "There's a lot of gray area in there and I'd like to see that cleaned up," he said. "I think we should be bringing the coal miners...into that committee and see what they have to say about it."

"In my mind, the folks that make the rules are the people in this body and the body on the other side - the House and the Senate," Sen. Huffman replied. But he ultimately agreed the definition could be improved.

Sen. Hoagland also voiced concern that the bill could get in the way of future oil and gas development and stressed that communication between the various industry groups is key.

**SB WIND FARM SETBACKS (Dolan, M.)** Regarding wind turbine setbacks for wind farms of at least five **238** megawatts. (CONTINUED-AMENDED; 1st Hearing-Sponsor)

Sen. Matt Dolan (R-Chagrin Falls) said his bill is comparable to prior legislative efforts to rework wind turbine setbacks (**SB 188**).

But he said the measure is aesthetically different from its predecessor in that it would stress the existing local control communities have over approving wind projects.

An amendment was adopted to that effect. It specifically states county engineers' responsibility to make sure wind developers restore damaged roads or infrastructure to their condition prior to development. It also states police and fire personnel must be trained for emergencies stemming from wind farms.

But the sponsor said that nothing included in the amendment would add to the law. Instead, the language more clearly states existing precedent.

Sen. Dolan criticized the prior legislative process through which lawmakers without hearings amended the existing setbacks into legislation in what critics contend was the 11<sup>th</sup> hour. Those 2008 setbacks, he said, have curbed wind development in northeast Ohio.

"We are preventing a business from growing and for Ohio to be a place for people to site their business, for people to make wind turbine projects, from people being able to create their own energy," Sen. Dolan said.

**Subscribers Note:** For full testimony see the [committee's website](#) under Jan. 10.

Public Utilities

**SB SECURITY RESOURCES (Terhar, L., Peterson, B.)** To allow electric distribution utilities to recover **155** costs for a national security generation resource. (CONTINUED; 7th Hearing-All testimony)

Several opponents submitted new testimony to the committee. Many of them sought to update their prior comments after lawmakers adopted a substitute bill in June that capped cost increases, shortened the lifespan of the cost recovery program and other provisions. (See [Gongwer Ohio Report, June 22, 2017](#))

Ned Hill, an economist at Ohio State University, deemed the bill "another attempt to subsidize uneconomic legacy" plants at the expense of ratepayers.

"It is a naked attempt to distort a regulated, competitive, market for generating electricity that is working for Ohioans and their employers," Mr. Hill said. "This bill is yet another round in a regulatory and legislative game of whack-a-mole as IOUs seek public subsidies to offset losses generated by their (or an affiliate's) nuclear and coal-fired power plants."

Sen. Dave Burke (R-Marysville) asked the witness why the bill is needed given that the Public Utilities Commission of Ohio can already grant cost recovery to OVEC owners. The idea of shifting that role to the General Assembly, the senator said, "gives me pause."

"Doesn't give me pause at all," Mr. Hill replied. "It scares the bejeebers out of me."

But Sen. John Eklund (R-Chardon) asked how the markets are competitive when various participants are already subsidized. Mr. Hill said the cost structure of the market is influenced by public policy and subsidies including

through the tax code.

"But once that energy is produced, given that plethora of operating costs, then it's a completely competitive market and the lowest market cost wins," he said. Enacting more subsidies on top of existing ones, he said, "is a road to subsidies with no end."

Kim Bojko, counsel for the Ohio Manufacturers' Association, said nothing in the substitute version quells the OMA's concerns. The cost caps - \$2.50 per month for residential customers and \$2,500 per month for other customers - would actually "magnify the negative impact to Ohio consumers," she said.

"The caps will create deferred costs that may accrue interest, which will cost Ohio's ratepayers exponentially more in the long run," she said. The legislation, she added, still "provides a subsidy for 'uneconomic generation,' provides a bailout of failing generation and bad business decisions, (and) fails to protect customers."

Ms. Bojko brought up the Federal Energy Regulatory Commission's recent rejection of the Trump Administration's proposed plan to grant new support to aging plants. (See [Gongwer Ohio Report, January 9, 2018](#))

Chairman [Sen. Bill Beagle](#) (R-Tipp City) questioned the FERC ruling's implications for Ohio. Ms. Bojko said that through the decision the commission embraced competitive markets and "couldn't find a problem to fix."

"Until that actually occurs we don't need to move forward to find a solution," Ms. Bojko said, summarizing FERC's view. "What they did was they punted all of those questions and issues to the regional transmission organizations and made the point this is a regional issue. This isn't a state issue."

Sen. Eklund questioned why the OMA view subsidies for renewable energy differently than subsidies for OVEC plants. Ms. Bojko, responding, noted that OMA hasn't taken a stance on a bill ([HB 114](#)) to water down those standards.

"Subsidies to two generators are way different than subsidies to all companies or one sector," Ms. Bojko said. "We're talking about giving subsidies to two coal plants, not all coal plants. And one is located in Indiana."

The Ohio Consumers' Counsel, the Ohio Independent Power Producers and the Sierra Club also submitted written opponent testimony.


**Subscribers Note:** For full testimony see the [committee's website](#) under Jan. 10.

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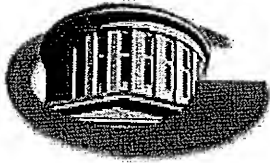
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## Daily Activity Planner for Thursday, January 11

### Legislative Committees

~~Canceled: Ohio Retirement Study Council (Committee Record) (Chr. Schuring, K., 228-1346), Rm. 121, 10 a.m.~~

### Agency Calendar

**Civil Rights Commission**, Lobby Hearing Rm., 30 E. Broad St., Columbus, 9:30 a.m.

**Peace Officer Training Commission**, 1650 State Route 56 SW, London, 10 a.m.

**State Employment Relations Board**, 65 E. State St., 12th Fl., Columbus, 10 a.m.

### Event Planner

**9th Annual Human Trafficking Awareness Day**, Statehouse, Columbus, 8:30 a.m.

**Sen. Charleta B. Tavares (D-Columbus) news conference on legislation aligning state prescription drugs and medical equipment pricing with U.S. Department of Veterans Affairs**, Harding Senate Press Rm., Statehouse, Columbus, 10 a.m.

**Ohio Lobbying Association Signature Series Luncheon featuring Jane Timken, Chairman, Ohio Republican Party**, Sheraton Columbus at Capitol Square, 75 E. State St., Columbus, 11:30 a.m.

**Rep. Kyle Koehler (R-Springfield) fundraiser**, Courtyard Marriott Downtown 100 S. Fountain Ave., Springfield, 5:30 p.m., (Chair: \$1,000; Sponsor: \$500; Host: \$200 to Citizens to Elect Kyle Koehler)

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**ALEC Digital Exchange: January 11, 2018**

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**Facebook Live Event****State Responses to Federal Tax Reform**

On **Friday, January 12 at 11:00AM**, join Jonathan Williams, Joel Griffith and Thurston Powers of the ALEC Center for State Fiscal Reform for a **Facebook Live event**. They will be discussing different states' responses to Tax Reform, and point out positive and negative trends they are following.

[Go to Facebook](#)

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**NY State of the States Response****Cuomo's High-Tax State Looks for Loopholes**

Thurston Powers | Center for State Fiscal Reform



It's no surprise that Governor Andrew Cuomo used the phrase "economic civil war" more than a dozen times during his speech. After all, railing against the Trump administration serves as an excellent distraction from the policies weighing down one of the most powerful economic engines in the world.

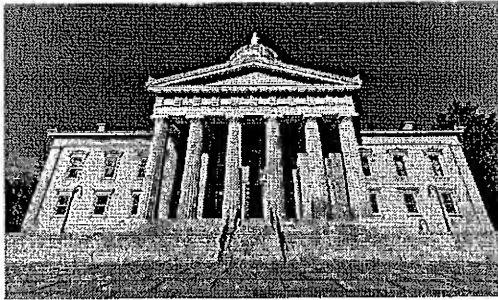
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## VT State of the State Response

### Governor Scott Faces Economic Reality in Vermont

Thurston Powers | Center for State Fiscal Reform



Vermont Governor Phil Scott exemplified non-partisan, economic realism during his state of the state address. Gov. Scott gave voice to an uncomfortable truth: social services are largely contingent on economic growth. The governor bravely warned that without broad, economic growth, even core services such as infrastructure could be curtailed.

[Read Article](#)

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## Scholar Insight

### Now is the Time For Legislators to Change Their Budgeting Process

Bob Williams | *Huffington Post*



Addressing the broken budget process requires fundamental reforms that will certainly impact popular spending areas such as education, Medicaid, and state employee salaries and benefits—including pensions. Legislators can use this current budget shortfall crisis as an opportunity to transform their state budget process to an outcome, performance-based budgeting system. Both taxpayers and recipients of government services will benefit from the result.

[Read Article](#)

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## Expert Opinion

### Ensuring a Paper Trail for Elections

Jonathon Hauenschild | Communications and Technology/Homeland Security



Most elections infrastructure in state and local governments are over a decade old. The aging electronic systems present unique threats that many state and local governments are not equipped to handle. Aging election infrastructure places the integrity of elections at stake.

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## NEWS

Loss of sponsor could close Ohio e-school with 12K students  
(Associated Press, 1/12/2018)

Ohio among states whose Amazon pitches aren't public (Associated  
Press, 1/12/2018)

Ohio GOP Rep. Jim Renacci bows out of governor's race to join U.S.  
Senate primary that Mandel left (Associated Press, 1/12/2018)

Democratic tickets shaking out in Ohio governor's race (Athens  
Messenger, 1/12/2018)

Democratic tickets shaking out in Ohio governor's race (Athens  
Messenger, 1/12/2018)

Ohio governor's race: Dayton Mayor Whaley out (Cincinnati Enquirer, 1/12/2018)

Ohio Senate: GOP Rep. switches from governor' race (Cincinnati Enquirer, 1/12/2018)

PX: Is Trump a winner or loser in Great Ohio Shakeout? (Cincinnati Enquirer, 1/12/2018)

Jim Renacci says White House 'guaranteed' Trump would help with Senate bid (Cleveland Plain Dealer, 1/12/2018)

Mike DeWine meets with Johnson and Johnson, Teva to discuss opioids suit settlement (Cleveland Plain Dealer, 1/12/2018)

A Renacci-Brown Senate race 'will assuredly be nasty' (Columbus Dispatch, 1/12/2018)

Democratic attorney general hopeful calls for accountability in ECOT scandal (Columbus Dispatch, 1/12/2018)

ECOT fighting to stay alive but options few (Columbus Dispatch, 1/12/2018)

Kucinich's candidacy may transform Ohio governor's race (Columbus Dispatch, 1/12/2018)

Residency issue, Trump criticisms may have sunk Vance's candidacy (Columbus Dispatch, 1/12/2018)

Dayton Mayor Whaley to drop out of governor's race (Dayton Daily News, 1/12/2018)

Ohio looks for ways to change how congressional districts are drawn (Dayton Daily News, 1/12/2018)

Ohio Republican Senate race battle of multimillionaires (Dayton Daily News, 1/12/2018)

**Forced labor spotlighted at trafficking event (Toledo Blade, 1/12/2018)**

**GOP gubernatorial candidate Mary Taylor: Renacci departure focuses race (Toledo Blade, 1/12/2018)**

**Whaley to end Democratic run for governor (Toledo Blade, 1/12/2018)**

## **EDITORIALS**

**Get a shot against the flu's potentially lethal consequences for yourself and others: editorial (Cleveland Plain Dealer, 1/12/2018)**

**This is what people want (Toledo Blade, 1/12/2018)**

**Major moves made by candidates in the races for governor, Senate (Youngstown Vindicator, 1/12/2018)**

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**From the Desk of Jonathan Williams**

State leaders across our nation are commending Congress and President Trump for passing the first major federal tax reform in 31 years and delivering real relief to American taxpayers. Hardworking American families and businesses will now keep more of their own money and the economy will continue to benefit from new investment, job creation and higher wages.

There are complexities that will arise across the states depending on how each state tax code is linked to the federal code. However, this also presents an ideal opportunity to address state level tax reform needs. Roughly half of the states that tax personal income automatically adopt changes to the federal tax code as they are enacted, and the other half generally require deliberative legislative action to adopt federal changes.

We have already seen several governors and leaders address the need for state tax reform this week. For instance, Iowa Governor Kim Reynolds discussed the importance of tackling tax reform so Iowans don't end up actually paying *more* in state taxes. We expect state reactions to federal tax reform will continue to be a major point of discussion as state legislative sessions ramp up in the coming weeks. I have included a Facebook Live video below where our team discusses how states are reacting to the federal tax changes.

Please don't hesitate to reach out to us whenever the Center for State Fiscal Reform can be helpful during this exciting time for state tax reform.

All the best,

Jonathan Williams  
ALEC Chief Economist  
Vice President, Center for State Fiscal Reform  
[@taxeconomist](#)

**Hear From the Experts****Facebook Live: State Responses to Tax Reform**

ALEC Tax Experts Jonathan Williams, Joel Griffith and Thurston Powers discuss how some states, such as New York and California, have responded to federal tax reform. If you missed the Facebook



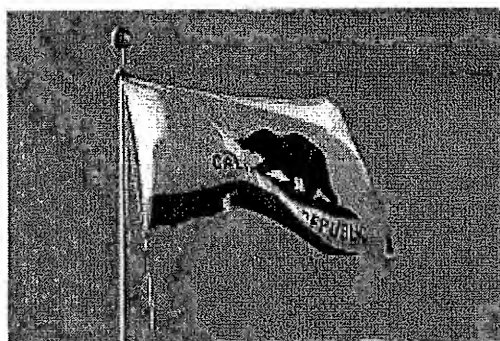
live event, you can still view the video on the ALEC Facebook page.

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## Expert Opinion

### California's Legally Dubious Proposal to Bypass Tax Reform

Joel Griffith | Center for State Fiscal Reform | *The Hill*



California State Senate Leader Kevin de León recently unveiled a legislative tax evasion scheme to thwart recently passed federal tax reform. Forcing hardworking Americans thousands of miles away to fund a large part of the California government amounts to taxation without representation. Here's how the scheme would work.

[Read Article](#)

## State of the State Response: NY

### Cuomo's High-Tax State Looks for Loopholes

Thurston Powers | Center for State Fiscal Reform



It's no surprise that Governor Andrew Cuomo used the phrase "economic civil war" more than a dozen times during his speech. After all, railing against the Trump administration serves as an excellent distraction from the policies weighing down one of the most powerful economic engines in the world.

[Read Article](#)

## The Williams Report

### Williams Report Holiday Update

Bob Williams | Senior Scholar, Center for State Fiscal Reform

Tax scholar Bob Williams highlights important articles dealing with the budget and pensions in the states that you may have missed over the



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holiday season.



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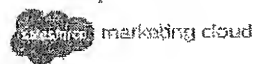


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## HOUSE ACTIVITY REPORT

### INTRODUCED AND REFERRED



#### ARMED FORCES (Dever, J.)

To urge the President and Congress of the United States, and the Secretary of Defense, to authorize the recruitment of individuals with disabilities for service in the Armed Forces of the United States.

House Armed Services, Veterans Affairs & Homeland Security



#### JUDGE REMOVAL (Antani, N.)

Summoning the Honorable William M. O'Neill,

Justice of the Supreme Court of Ohio, to appear before the General Assembly and show cause why he should not be removed from office under Article IV, Section 17 of the Ohio Constitution. House Government Accountability & Oversight



#### **ENERGY RESOURCES (Hill, B.)**

To express support for the importance of Ohio's energy resources and energy infrastructure in furthering Ohio's economic development. House Energy & Natural Resources

### **INTRODUCED**



#### **WASTE FEES (LaTourette, S.)**

To increase one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation.



#### **STROKE PATIENTS (Lipps, S., Antonio, N.)**

To provide for recognition of stroke centers and establishment of protocols for assessment, treatment, and transport to hospitals of stroke patients.

### **CALENDAR FOR COMING SESSION**



#### **PUBLIC ASSISTANCE (Young, R.)**

Regarding the release of information concerning public and medical assistance recipients. Wednesday, January 17



#### **UNCLAIMED FUNDS (Reineke, B.)**

HB 353

To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law.  
Wednesday, January 17

HCR 9

EXTRADITION (Holmes, G.)  
To urge the President of the United States, the United States Secretary of State, and the Congress of the United States to compel Brazil to extradite Claudia Hoerig to stand trial for the aggravated murder of her husband, Major Karl Hoerig, and to request that the United States terminate foreign aid payments to Brazil if Claudia Hoerig is not extradited.  
Wednesday, January 17

## REFERRED

### Armed Services, Veterans Affairs & Homeland Security

HB 434

LICENSE PLATES (Sweeney, M., Perales, R.)  
To create the "Army Distinguished Service Cross," the "Navy Cross," the "Air Force Cross," and the "Coast Guard Cross" license plates.

### Civil Justice

HB 446

POWER OF ATTORNEY (Rogers, J., Seitz, B.)  
Relative to the acceptance of an acknowledged power of attorney.

### Community & Family Advancement

HB 448

SIBLING VISITATION (LaTourette, S., Boyd, J.)

To create sibling visitation rights, to make changes to the law regarding sibling placement by a court or agency and sibling relationships when parental rights are terminated, and to extend the sibling relationship beyond adoption.

### Criminal Justice

HB 455

#### DRUG TRAFFICKING (Wiggam, S.)

To provide that in determining the amount of cocaine for trafficking offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, to increase penalties for certain drug trafficking offenses, and to name this act the Drug Trafficking Deterrence Act.

HB 457

#### DRUG TREATMENT (Antani, N.)

To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin, fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days.

HB 461

#### HUMAN TRAFFICKING (Fedor, T., Galonski, T.)

To require a juvenile court to hold a delinquency complaint in abeyance if the court has reason to believe that the act charged might be prostitution related or that the child might be a victim of human trafficking and to provide that the same elements for the offense of trafficking in persons that apply to a victim under the age of sixteen also apply to a victim who is age sixteen or seventeen.

### Economic Development, Commerce & Labor

HB 433

**VETERINARY EDUCATION (Kelly, B., Brinkman, T.)**

To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services.

HB 444

**FOOD OPERATION FEES (Sweeney, M.)**

To require a seasonal food service operation license fee to be one-half of the license fee for a food service operation that is not a seasonal food service operation.

**Education & Career Readiness**

HB 438

**ESC BOARDS (Hambley, S., Kick, D.)**

To permit the addition of appointed members to educational service center boards and to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions.

HB 442

**SCHOOL ATHLETICS (Antani, N.)**

To authorize any student from a country or province outside the United States who attends an elementary or secondary school in Ohio and holds an F-1 visa to participate in interscholastic athletics at that school on the same basis as Ohio residents.

HB 443

**MENTAL HEALTH INSTRUCTION (Sweeney, M.)**

To require school district boards of education to incorporate mental health instruction into their health education curricula.

## Energy & Natural Resources



**RIPARIAN BUFFERS (Patterson, J., Sheehy, M.)**  
To exempt qualifying riparian buffers in the Western Basin of Lake Erie from property taxation, to reimburse local taxing units for resulting revenue losses, and to require soil and water conservation districts to assist landowners with the creation and maintenance of riparian buffers.

## Financial Institutions, Housing & Urban Development



**STUDENT LOANS (Boggs, K., Kelly, B.)**  
To require student loan servicers to be licensed by the Division of Financial Institutions and to create the position of student loan ombudsperson in the Division of Financial Institutions to provide assistance to student loan borrowers. H. B. No. 433 - Representatives Kelly, Brinkman.

## Government Accountability & Oversight



**TERM LIMITS (Sweeney, M.)**  
To impose term limits prohibiting a person from holding office longer than eight years in the Ohio Senate, eight years in the Ohio House of Representatives, and more than sixteen years in total in the General Assembly.



**UNION MEMBERSHIP (Becker, J., Riedel, C.)**  
Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or

pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.



**UNION MEMBERSHIP** (Becker, J., Riedel, C.)  
Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.



**PREVAILING WAGE** (Becker, J., Riedel, C.)  
Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.



**PROJECT LABOR AGREEMENTS** (Becker, J., Riedel, C.)  
Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.



**COLLECTIVE BARGAINING** (Becker, J., Riedel, C.)  
Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.



**HB 441****TAX REFUNDS (Lanese, L., Dever, J.)**

To allow the Department of Taxation to provide taxpayers who file electronic returns the option of receiving their income tax refund in the form of a prepaid card.

**HB 450****HEALTH BENEFITS (Antani, N.)**

To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits.

**HB 451****PUBLIC RECORDS (Retherford, W.)**

To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy.

**HB 462****HOSPITAL CLOSINGS (Schuring, K., West, T.)**

To require that a for-profit hospital and its affiliated health care facilities in certain counties follow specified procedures before ceasing operations or closing, and to declare an emergency.

**Health****HB 456****NURSING OVERTIME (Sprague, R.)**

To prohibit a hospital from requiring a registered nurse or licensed practical nurse to work overtime as a condition of continued employment.

## Higher Education & Workforce Development

HB 449

**SPONSOR RATINGS (Rogers, J., Patterson, J.)**  
To require the Department of Education to attribute any community school sponsor ratings an entity received during its relationship with a state university board of trustees to that entity even if it no longer has a relationship with the university.

## Insurance

HB 440

**HEALTH CARE (Fedor, T., Kent, B.)**  
To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

HB 459

**WORKERS' COMPENSATION (Henne, M.)**  
To allow groups of employers to be granted status as a self-insuring employer for purposes of the Workers' Compensation Law.

## State & Local Government

HB 453

**CHARTER HOSPITALS (Greenspan, D.)**  
To require that all rights and interests in discoveries, inventions, or patents made by employees using charter county hospital facilities are the property of that charter county hospital.

HB 454

**CEMETERY LOTS (Patterson, J., Arndt, S.)**  
To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner.

## Transportation & Public Safety



### TRAFFIC SIGNS (Boggs, K., Leland, D.)

To permit a local resident, neighborhood association, or neighborhood organization to request the erection of a stop sign at an intersection and to support a request for a lower prima facie speed limit on certain streets and highways.



### ROAD NAMING (Gavarone, T.)

To designate a portion of State Route 65 in Wood County as the "Marine Sgt. David R. Christoff, Jr. Memorial Highway."



### LICENSE PLATE (Riedel, C.)

To enact section 4503.734 of the Revised Code to create the "Patrol Supporter" license plate.



### LICENSE PLATE (Reece, A.)

To create the "Amaranth Grand Chapter Order of the Eastern Star" license plate.



### ROAD NAMING (Huffman, S.)

To designate a portion of State Route 55 as the "PFC Marc L. Cole Memorial Highway."

## Ways & Means



### TAX NOTICES (Lipps, S., Ryan, S.)

To provide that, once the initial publication of a county delinquent property tax list is made in a newspaper of general circulation, the second publication of that list may be done online.

# SENATE ACTIVITY REPORT

## INTRODUCED



**CONGRESSIONAL REDISTRICTING (Huffman, M.)**

To establish a process for congressional redistricting.



**WRONGFUL IMPRISONMENT (Sykes, V., Eklund, J.)**

To modify the state's wrongful imprisonment law.

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## OHIO REPORT TUESDAY, JANUARY 16

**Debate Continues On Utility Ratemaking Bill; More Hearings Planned**

**Prosecutors, Chamber Ask For Changes To Bill Allowing Off-Duty Cops To Carry Firearms**

**Legislators Try Again To Allow Religious Activities During School Day**

**Bill Streamlining Orphan Well Sealing Process Clears House Committee**

**Insurance Agents, Underwriters Back Measure To Provide Claim Information To Employers**

**Abortion Foes Continue Arguing For Procedure Ban**

**Portman Wants Additional Military Funding In Spending Deal To Avert Shutdown**

**DeWine, Victims Groups Talk Drug Crisis; Brown's Fentanyl Bill Signed...**

**Politics Notebook: Lawmaker Drops Resolution On Justice O'Neill; Murray Backs DeWine; Clites Seeks Clyde Seat; Taylor Updates Staff**

**Policy Brief Links Student Suspensions With Negative Outcomes; School Choice Week Events Planned...**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

**Senate Committee Hearings**

**Judiciary**

**Insurance & Financial Institutions**

**Finance**

**House Committee Hearings**

**Ways & Means**

**Economic Development, Commerce & Labor**

**Criminal Justice**

**Public Utilities**

**Energy & Natural Resources**

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Gmail - Ohio Report, Tuesday, January 16, 2018





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## Senate Activity for Tuesday, January 16, 2018

### INTRODUCED

**SJR CONGRESSIONAL REDISTRICTING** (Huffman, M.) To establish a process for congressional  
5 redistricting. Proposing to amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio

**SB WRONGFUL IMPRISONMENT** (Sykes, V., Eklund, J.) To modify the state's wrongful imprisonment  
248 law. Am. 2305.02 and 2743.48

### COMMITTEE HEARINGS

#### Judiciary

**HB DATING PROTECTION ORDERS** (Sykes, E., Manning, N.) To authorize the issuance of dating violence  
1 protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (REPORTED-SUBSTITUTE; 3rd Hearing-All testimony-Possible amendments & vote)

Before hearing testimony, the panel accepted a substitute bill offered by Chairman Sen. Kevin Bacon (R-Minerva Park) to clarify the definition of a dating relationship.

Judge Debra Boros, testifying on behalf of the Ohio Judicial Conference, said in written testimony that the substitute bill addresses the concerns of the state's judges while also achieving the goals of the sponsors.

While Niki Clum, legislative liaison for the Ohio Public Defender, said the changes in the substitute version improve the bill, she still raised several concerns, including what she deemed to be an "overly broad and subjective" definition of "dating relationships."

"In a world of online dating and digital media, what constitutes a romantic and intimate relationship is getting more challenging to define," she said in written testimony. "It is common for relationships, especially among younger people, to be almost exclusively digital. This could lead to divergent feelings among the parties as to the romantic and intimate status of their relationship."

Ms. Clum also raised concern that the bill could open the door to abuse of protection orders by a scorned ex-boyfriend or girlfriend.

**HB COURT JURISDICTION** (Reineke, B.) To provide the Tiffin-Fostoria municipal court with concurrent  
354 jurisdiction with the Seneca County court of common pleas in operating a drug addiction recovery program.  
(CONTINUED; 1st Hearing-Sponsor)

Sponsoring Rep. Bill Reineke (R-Tiffin) said the measure is narrow in scope and aimed specifically at low-level drug offenses.

"To design this piece of legislation, Seneca County Common Pleas Court Judge Kelbley, Seneca County Common Pleas Court Judge Shuff, Tiffin-Fostoria Municipal Court Judge Repp, and myself worked with State Supreme Court staff to make sure the language was narrow and precise. This pilot program will be for a period of five years, the General Assembly can extend, make permanent, or let the program expire," he said.

Rep. Reineke added that the pilot program is unique because the two courts are located in the same building.

**SB VEHICLE TOWING (Terhar, L.)** To require only one notice to be sent to a vehicle owner and any known **194** lienholder after a vehicle is towed from a private tow-away zone. (CONTINUED; 2nd Hearing-Proponent)

Jim Shriner, owner of Board & James Towing, said current law that forces him to send three certified mailings to owners and lienholders of vehicles is a major financial and recordkeeping burden.

Last month, he said, his company spent \$6,500 on certified mailings.

"Most of the cars we impound from private property are junk and not worth repairing," he said. "They are abandoned, left in disrepair, and with expired plates. That is usually the reason owners and lienholders do not pick them up, no matter how many times you notify them."

Robert Mecklenborg said on behalf of the Towing and Recovery Association that there is no legitimate business or fairness reason for the current requirement that three certified letters are sent.

The panel also received testimony in support of the bill from Shamrock Towing.

**SB WEAPON POSSESSION (Terhar, L.)** To allow a law enforcement officer or investigator, whether on or off **208** duty, to carry a weapon on certain premises open to the public. (CONTINUED (See separate story); 3rd Hearing-All testimony)

**Subscriber's Note:** For full written testimony, see the [committee's website](#) under Jan. 16.

#### Insurance & Financial Institutions

**HB HPRS RETIREMENT (Carfagna, R., Ramos, D.)** To revise the law governing the State Highway Patrol **362** Retirement System. (CONTINUED; 1st Hearing-Sponsor)

Rep. Rick Carfagna (R-Westerville) said the measure, which decreases the amortization period of the retirement system by several years, will improve its solvency.

The pension system requested the changes after significant actuarial assumption changes were made that increased its unfunded actuarial accrued liabilities, he said.

"With these proposed changes having been vetted at both the system level and the ORSC level, they must now be enacted via legislation," Rep. Carfagna said. "The HPRS believes these changes to be non-controversial, and since they would reduce their unfunded actuarial accrued liabilities by several years, they will provide additional solvency to the HPRS system."

The proposed changes include:

- Restoring the minimum retirement age to 52 for new hires after January 1, 2020. All others are grandfathered.
- Calculating pension benefits for off-duty disabilities based on a minimum 12-year service benefit instead of a minimum 20-year service benefit.
- Eliminating the automatic 50% unfunded survivor benefit and establishes a set amount (\$900) for survivor benefits while increasing that amount annually as the board determines

- Providing no survivor benefits for those who marry after retirement.

Rep. Lou Terhar (R-Cincinnati) asked if the Ohio Retirement Study Council has done an overview of all pension systems to determine their long-term viability.

The systems, which are each run differently, are under continuous review, Rep. Carfagna said.

**SB HEALTH PLAN CLAIMS (Huffman, M.)** To require health plan issuers to release certain claim information to group plan policyholders. (CONTINUED (See separate story); 2nd Hearing-Proponent)

Finance

**HBCEMETERY REGISTRATION (Stein, D.)** To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation.

(CONTINUED; 1st Hearing-Sponsor)

Rep. Dick Stein (R-Norwalk) introduced senators to his bill to create a revolving grant program to assist not-for-profit cemeteries with repairs and maintenance.

He said the grant would support nearly 2,500 cemeteries through initial funding of \$100,000 that is to be transferred from the existing cemetery registration fund. Continued funding will be maintained through the current burial permit fee. For each \$3 fee payment, \$1 will be diverted to support the grant, he said.

Additionally, the legislation would streamline receivership procedures in the event no owner is identified and makes technical changes recommended in the 2014 Cemetery Task Force Report.

Those latter changes include: requiring physical or digital cemetery records, updating the Ohio Cemetery Dispute Resolution Commission membership, and ensuring money managed in endowment care trusts be invested according to the Ohio Prudent Investors Act.

"This bill is supported by the Ohio Cemetery Association, the Ohio Township Association, the Ohio Funeral Directors Association and the Department of Commerce and has no known opposition," Rep. Stein said. "Also this bill passed out of State Local and Government and Finance committees with bipartisan unanimous support."

**HBSUBDIVISION INVESTMENTS (Greenspan, D.)** To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (CONTINUED; 1st Hearing-Sponsor)

Rep. Dave Greenspan (R-Westlake) said his bill would permissively extend the current five-year limit on the investment ability of political subdivisions. By making that limit 10 years, he said, subdivisions can earn more investment income in purchasing debt and see fewer interest expenses in selling debt.

That translates into taxpayer savings, he said. Secondly, entities could better utilize underperforming investments to internally finance projects.

"The issue is that under current law they must every five years refinance, internally, their own debt," Rep. Greenspan said. "This is administratively unnecessary and costly and can be avoided by extending the limit to 10 years."

He went on to call the proposal "a common sense, permissive piece of legislation that affirms a responsive and responsible form of government."

Sen. Bill Beagle (R-Tipp City) questioned whether the bill sets forth requirements regarding debt ratings. Rep. Greenspan replied that it does not because he believes those decisions are best left to the local level.

**HB PYRAMID SCHEMES (Pelanda, D.)** To modify the law governing pyramid promotional schemes.  
**329** (CONTINUED; 1st Hearing-Sponsor)

Rep. Dorothy Pelanda (R-Marysville) said her legislation draws "a clear line" between direct selling companies and pyramid schemes.

She said the bill would eliminate confusion in part by "clearly differentiating the legal income earning opportunities offered by legitimate direct selling companies from the frauds perpetuated by promoters of pyramid schemes."

Her bill would also establish a participant's purchase of "reasonable amounts" of product for their own use as a legitimate business practice, the sponsor said.

**Governor's Appointments:** The committee recommended full Senate approval of the following appointments: Ronald Budzik to the Sinclair Community College Board of Trustees; Duane Frager, Mark Tyler, and Beverly Vitaz to the Lakeland Community College Board of Trustees; JoAnn LaGuardia and William Nurczyk Jr. to the Eastern Gateway Community College Board of Trustees; and Richard Blake to the Accountancy Board.


**Subscriber's Note:** For full testimony see the [committee's website](#) under Jan. 16.

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## Daily Activity Planner for Wednesday, January 17

### Legislative Committees

**House Health** (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

**HB DISEASE CURES** (Butler, J.) To adopt the Solemn Covenant of the States to award prizes for curing diseases. (2nd Hearing-Proponent)

**Senate Ways & Means** (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

**HBVETERAN ORGANIZATIONS** (Ginter, T.) To modify the existing tax exemption for veterans organizations' property to include property of certain veterans organizations exempt from federal taxation under section 501C(4) of the Internal Revenue Code and to exclude property that is not used primarily for meetings, administration, and the provision of programs and services to past and present members of the United States armed forces. (1st Hearing-Sponsor)

**HBOHIO RESIDENCY** (Scherer, G.) To modify the test for determining an individual's state of residence for income tax purposes. (1st Hearing-Sponsor)

**SB TAX HOLIDAY** (Bacon, K.) To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (2nd Hearing-all testimony)

**Senate Government Oversight & Reform** (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 9:45 a.m.

**SJRCONGRESSIONAL REDISTRICTING** (Huffman, M.) To establish a process for congressional redistricting. (Informal hearing-Sponsor)

**HB SPECIAL ELECTIONS** (Pelanda, D., Retherford, W.) To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. (1st Hearing-Sponsor)

**HB CHILD ABUSE REPORTING** (Kent, B.) To make municipal and county peace officers mandatory reporters of child abuse or neglect. (1st Hearing-Sponsor)

**HB POLITICAL SUBDIVISION SPENDING** (Schuring, K., Greenspan, D.) Regarding use of credit cards and debit cards by political subdivisions. (1st Hearing-Sponsor)

**SB UNCONTESTED RACES** (Dolan, M.) To require uncontested races to appear at the end of an election ballot. (1st Hearing-Sponsor)

**Senate Rules & Reference** (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

**House Session** (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

**Senate Session** (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

**House Government Accountability & Oversight** (*Committee Record*) (Chr. Blessing, L., 466-9091), Rm. 313, 2:30 p.m. or after session

**HB** **TRAFFIC VIOLATIONS** (Seitz, B., Butler, J.) To grant municipal and county courts original and  
**410** exclusive jurisdiction over any civil action concerning a traffic law violation, to specify that the court  
 require an advance deposit for the filing of specified civil actions by the local authority bringing the civil  
 action, and to modify the reporting requirements and LGF withholding that apply to subdivisions that  
 operate traffic law photo-monitoring devices. (2nd Hearing-Proponent)

**HB** **HOSPITAL CLOSINGS** (Schuring, K., West, T.) To require that a for-profit hospital and its affiliated  
**462** health care facilities in certain counties follow specified procedures before ceasing operations or closing,  
 and to declare an emergency. (1st Hearing-Sponsor-Pending referral)

**HB** **UNEMPLOYMENT COMPENSATION** (Schuring, K.) To modify terms describing payments made  
**382** under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment  
 compensation premiums, to require qualifying employees to make payments to the Unemployment  
 Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum  
 weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to  
 the Unemployment Compensation Law. (8th Hearing-All testimony)

**HJR** **UNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of  
**4** the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of  
 bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be  
 depleted or to repay outstanding advances made by the federal government to the unemployment  
 compensation program. (8th Hearing-All testimony)

**HB** **ENERGY TAX EXEMPTION** (Schaffer, T.) To expand the scope of a sales and use tax exemption for  
**430** certain kinds of property used in the production of oil and gas. (2nd Hearing-All testimony)

**HB** **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum  
**123** duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the  
 authority of credit services organizations to broker extensions of credit for buyers. (2nd Hearing-All  
 testimony)

**House Civil Justice** (*Committee Record*) (Chr. Butler, J., 644-6008), Rm. 121, 2:30 p.m. or after session

**HB 407** **ESTATE LAW** (Dever, J., Seitz, B.) To abolish the estate by dower. (2nd Hearing-Proponent)

**House Community & Family Advancement** (*Committee Record*) (Chr. Ginter, T., 466-8022), Rm. 114, 3 p.m. or after session

**HB** **CHILD SUPPORT** (Gavarone, T.) To make changes to the laws governing child support. (4th Hearing-  
**366** All testimony)

**HB** **CHILD CARE** (Carfagna, R.) Regarding parental notice of serious risks to the health or safety of  
**383** children receiving child care. (4th Hearing-Possible vote)

**Senate Education** (*Committee Record*) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m.

**HB** **CAREER INFORMATION** (Duffey, M., Boggs, K.) Regarding the presentation of career information to  
**98** students. (1st Hearing-Sponsor)

**House Armed Services, Veterans Affairs & Homeland Security** (*Committee Record*) (Chr. Johnson, T., 466-2124),  
 Rm. 116, 4 p.m. or after session

**HB** **DAY DESIGNATION** (Schaffer, T.) To designate July 16 as "National Atomic Veterans Day" in Ohio.  
**414** (1st Hearing-Sponsor)

**HCR** **HEALTHCARE** (Schaffer, T.) To urge the Congress of the United States to enact the Mark Takai Atomic  
**21** Veterans Healthcare Parity Act. (1st Hearing-Sponsor)

Agency Calendar

**Casino Control Commission**, 30 East Broad Street, Lobby Hearing Rm., Columbus, 10 a.m.

**State Personnel Board of Review**, 12th. Fl., 65 E. State St., Columbus, 10 a.m.

**Credit Union Council**, Division of Financial Institutions, 77 South High Street, 21st Floor, Columbus, 10:30 a.m.

**State Fire Council**, Division of State Fire Marshal, 8895 East Main Street, Reynoldsburg, 11 a.m.

Event Planner

**Dennis Kucinich (D-Candidate for governor) news conference**, Governor Thomas Worthington Center, Statehouse, Columbus, 3:15 p.m.

**Char and Chuck Fowler Family Foundation, Interact for Health Foundation and The Women's Fund of Central Ohio legislative reception**, Athletic Club, 136 E. Broad St., Columbus, 4:30 p.m.

**Ohio Senate Democratic Caucus leadership fundraiser**, Tony's, 16 W. Beck St., Columbus, 5 p.m., (Platinum: \$2,500; Gold: \$1,000; Silver: \$500 to Ohio Senate Democratic Caucus)

**Rep. Keith Faber (R-Celina), candidate for State Auditor, fundraiser**, Buckeye Bourbon House, 36 E. Gay St., Columbus, 5 p.m., (Special Guests: Senate President Obhof & House Speaker Rosenberger. Cask Strength Sponsor \$2,500 | Single Barrel Sponsor \$1,000 | Small Batch Sponsor \$500 | Individual \$350)

**Rep. Bill Seitz (R-Cincinnati) fundraiser**, Tony's; 16 W. Beck St., Columbus, 5 p.m., (Gold: \$2,000; Silver: \$1,000; Bronze: \$500 to Seitz for Ohio. RSVP required to Alex Penrod at [alex.penrod@OHROC.com](mailto:alex.penrod@OHROC.com) or 614.329.5078)

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# GONGWER Ohio

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## Volume #87, Report #10 -- Tuesday, January 16, 2018

### Debate Continues On Utility Ratemaking Bill; More Hearings Planned

Proponents continue pressing for committee approval of a bill to revamp electric ratemaking but one interested party doubts whether the proposal in question would truly result in the benefits supporters claim.

The discussion arose during the fifth hearing on the bill ([HB 247](#)) from [Rep. Mark Romanchuk](#) (R-Mansfield), which would ban electric security plans and enable reimbursement for collected rates that are later ruled improper.

The bill is expected to return next week for a sixth hearing before the House Public Utilities Commission, but Chairman [Rep. Robert Cupp](#) (R-Lima) said no vote is planned.

The bill would effectively force utilities to use market rate offers instead of ESPs - a move utility companies and other opponents argue would reduce competition and result in less flexibility for companies and consumers. (See [Gongwer Ohio Report, December 12, 2017](#))

But proponents argue that by requiring market rate offers to be utilized, consumers would benefit by avoiding the bevy of above-market charges utilities have utilized via ESPs.

"The ESP cases have caused nothing but problems and their elimination, while not necessarily something that customers will be directly aware of, will provide immeasurable customer benefits," testified Robert Kelter, senior attorney for the Environmental Law and Policy Center.

Sam Randazzo, counsel for Industrial Energy Users-Ohio, submitted written interested party questioning the extent of those predicted benefits. He did, however, opine the bill helps "shine some much-needed light on issues that deserve timely attention and meaningful consideration."

But he said some of the problems the bill seeks to address arose because lawmakers' adopted the recommendations made by parties now urging support for this bill. Some HB247 proponents had previously argued in 2008 in favor of creating ESPs in order to benefit consumers.

"In any event...it is reasonable to wonder if eliminating the ESP statutory option will, on the implementation side of the law, produce the improvements currently being attributed to HB247," Mr. Randazzo wrote. "Rather than eliminating the ESP as proposed in HB247, would customers be better served by the General Assembly simply prohibiting the PUCO from resorting to qualitative factors for purposes of conducting the ESP versus MRO better-in-the-aggregate test?"

Kim Bojko, counsel for the Ohio Manufacturers' Association, pushed back on opponent characterizations that proponents of the bill have flip-flopped on the issue since 2008. The markets, she argued, have changed substantially in the last decade.

"In 2008, OMA absolutely supported the customer safety net as a temporary measure to protect customers whether competitive retail energy market developed," Ms. Bojko said. "But 10 years later, the market has developed and competition is working and saving customers billions of dollars."



Geoff Korff, vice president of the Ohio Cast Metals Association, said the legislation would help companies like his - Quaker City Castings - keep costs down, compete inside and outside of Ohio, and maintain jobs.

"The ESP...has allowed for utilities to seek and obtain approval for a whole host of above market, non-bypassable charges on customer bills," Mr. Korff said. "These charges are disrupting customers' ability to save money by shopping their electric loads. My own company has seen its distribution rates increase by 34% in the past three years while my generation rates have come down."

Rep. Tom Patton (R-Strongsville) and Rep. Bill Seitz (R-Cincinnati) posited that companies might be more at risk in cases of volatile energy price fluctuations under a market rate offer.

"Seems to me you should be more focused on reforming the ESP process," Rep. Seitz said. "We should be fencing (the PUCO) in not to rely on subjective factors perhaps, but eliminating the ESP altogether is something I think you will come to regret."

"We're pretty well convinced there's quite a lot of reliability without saying X amount of our electric must come from a certain source," Mr. Korff replied. "I don't believe there is a reliability issue."

Ohio Hotel and Lodging Association Director Joe Savarise argued in written testimony the bill would eliminate above-market charges to hotels and protect them from subsidizing utilities' affiliates by strengthening the law requiring the divestment of generating assets.

Alan Rosenfield of the League of Women Voters of Ohio testified as an interested party, asking lawmakers to require that all riders are listed on a customer's bills as is done in Michigan. He told Rep. Romanchuk the group is not weighing in on the advisability of the legislation itself.

#### Prosecutors, Chamber Ask For Changes To Bill Allowing Off-Duty Cops To Carry Firearms

Identification requirements and the ability for businesses to opt out should be included in legislation relaxing gun restrictions for law enforcement officers who are off duty, lawmakers were told Tuesday.

The requests came from groups representing prosecutors and business interests, who testified on the bill (SB 208) before the Senate Judiciary Committee.

Louis Tobin, executive director of the Ohio Prosecuting Attorneys Association, requested that the bill include a requirement that an off-duty officer have identification and a badge when carrying a weapon under the measure.

"There have been some recent instances where an officer was off-duty in a public place, not in uniform, and had a weapon but no badge or identification," he said. "As you can imagine, this can lead to some tense moments between the off-duty officer and law enforcement that arrives on the scene without any context about who is carrying a weapon. It puts the safety of the off-duty officer at risk until matters get sorted out."

Mr. Tobin also called for clarifying language tying the authority to carry in such circumstances to the officers' employing agency.

"Requiring such a policy to be in place protects both the officer and the employers," he said.

Don Boyd, director of labor and legal affairs at the Ohio Chamber of Commerce, told the panel that the decision whether to allow firearms on a premise should be left up to the individual employer.

While providing interested party testimony, Mr. Boyd raised a host of concerns with the bill, including a provision that would create a new cause of action or additional civil liability for employers or property owners who prohibit firearms on their property.

"First, under current law, businesses and private property owners are granted immunity from civil liability for their choice to allow or prohibit firearms on their property," he said. "Under SB208, it is unclear who would be

liable in the event an off-duty officer would have to act. Since the officer is off-duty, there could be confusion as to who is liable if firearms are prohibited but the officer is permitted to carry a firearm due SB208."

Mr. Boyd, echoing Mr. Tobin, also called for a requirement that an off-duty officer carrying a firearm also have identification and a badge on hand.

"This will help prevent any mistaken identity and, for those that prohibit firearms on their property, allow quick identification that the individual is an officer and able to carry due to this legislation," he said.

The final change Mr. Boyd requested is a provision that would allow business and private property owners to prohibit officers from carrying weapons in areas that would pose an unreasonable threat to the public.

"Though there may be other instances where issues could arise, the one that comes to mind is that of amusement parks. These are issues that simply do not arise while officers are on-duty and thus not routinely considered," he said.

He raised the specter of a gun falling from a roller coaster as an unreasonable threat to the public.

Sen. Bill Coley (R-Liberty Twp.), however, objected to that request.

"I don't need some amusement park owner saying riding on floating ducks is posing an unreasonable risk," he said, adding that the amusement park would not be held liable.

#### Legislators Try Again To Allow Religious Activities During School Day

Lawmakers who reintroduced a controversial "religious expression" bill say their goal is to provide clarity on how school districts should address faith-based organizations and events.

Rep. Sarah LaTourette (R-Chagrin Falls) said she and Rep. Tim Ginter (R-Salem) sponsored the controversial measure (HB 428) because there is ambiguity in the current law, which simply prohibits boards of education from promoting religion or forbidding students from exercising religious beliefs.

"The extent to which individuals may engage in religious expression in a school setting can be unclear and House Bill 428 seeks to address this issue," she said.

"We are clarifying for school districts that faith based organizations are to be treated the same as secular organizations," she added. "They are to be treated equally, and that includes having the same access to school facilities."

The legislation eliminates a law that allows districts to limit religious expression to lunch or other non-instructional time. It also prohibits public schools from restricting students from expressing religious beliefs in their homework, artwork, or other verbal or written assignments.

"The student may not be penalized or rewarded for the religious beliefs they express, but the same academic standards, based on substance and relevance, still apply," Rep. LaTourette said.

The measure moved through the House in the last General Assembly, but stalled in the Senate.

"However, it is a good, solid and inclusive bill that we believe will positively enhance student liberties in Ohio's public schools," Rep. Ginter said.

Rep. Ginter's common response to questions from Democrats on the committee was that the district ultimately has the ability to determine what groups and behaviors are most appropriate for the school district.

That means that any "strange behavior or belief" claimed to be tied to religion that's interfering with learning or safety could be prohibited by a school board, he told Rep. John Patterson (D-Jefferson).

The bill also specifically allows students to express their religions through t-shirts, but boards could also determine that they'd be inappropriate, for example, if they included vulgar language or expletives, Rep. Ginter said.

Rep. Dan Ramos (D-Lorain) said he's concerned about the provision regarding religious content in student homework. He asked whether the sponsors had considered exceptions for math and science homework.

Any religion-based papers graded by teachers would have to be done so under the same standards as secular-based papers, Rep. Ginter said. Currently, teachers may assign failing grades or refuse to give grades to students who use religious examples in coursework because they're unsure of the laws.

"Many of our administrators and teachers are unaware in the current setting as to where the line is," he said.

Rep. Kent Smith (D-Euclid) questioned whether the bill would have benefited a former student living in Euclid who was unable to attend a nearby school because the dress code didn't allow her to wear a hijab.

Mr. Ginter said he is unaware if the bill would have assisted that student, but agreed with his co-sponsor that they'd look into clarifying the language to address such issues.

"I think this bill could be misconstrued as a 'Christian' bill when in reality this is a religious liberty bill," he said.

#### Bill Streamlining Orphan Well Sealing Process Clears House Committee

A House panel advanced a proposal to deal with the state's orphan oil and gas wells Tuesday after state officials detailed the process and current challenges.

The House Energy & Natural Resources Committee voted unanimously to report the measure (HB 225), which is designed to make it easier for the state and landowners to seal unused wells.

The bill is expected to be on the House floor Wednesday.

Rick Simmers, chief of the ODNR Division of Oil and Gas Resource Management, told the committee that when the state begins to plug a well, it has to try to find the owner and title to the well. Once that process has been exhausted and no owners have been found, it's declared an orphan.

The state then goes through environmental evaluations to determine a well's risk. Orphan wells have been found under schools, near public water supplies and in farm fields.

The state expects to plug about 80 wells during Fiscal Year 2018, which would be a record for the program. The division is on track to spend the \$6 million allocated in the budget for plugging orphan wells, and might have to go to the Controlling Board for more money to plug more.

Since November 2016, the state has sent out bids to plug orphan wells to a list of 29 pre-qualified contractors. Of those vendors, only about 10 have bid on projects and only seven have received contracts, Mr. Simmers said. The state recently reopened the process to encourage more companies to become pre-qualified.

The bill would keep the state from having to run the title on wells more than 40 years old, Mr. Simmers said, and eliminates unnecessary notice requirements for certain properties.

The latest version of the bill also includes language to keep landowners who plug their own well from having to report the money they receive as reimbursement as taxable income. The reimbursement is often in the tens of thousands of dollars.

Mr. Simmers raised concerns with the provision increasing the amount to be spent out of the Oil and Gas Well Fund from 14% to 45%. The state doesn't yet have the capacity to spend that amount of money on plugging wells.

"There's no way I could spend \$37 million," he said.

Rep. Andy Thompson (R-Marietta) asked if it would be more appropriate to seal wells that were easier to plug rather than focusing on the worst of the worst. That might encourage more contractors to apply.

The department has considered that, and the program does plug low-risk wells if they're near high-risk wells, Mr. Simmers said. The tax language changes would also encourage landowners to get lower-risk wells plugged.

"We think a lot of people are going to be interested in that," he said. "We plan on dedicating a certain amount of money to the landowner pass-through program."

The tax change will likely cause the number of wells plugged to skyrocket, he said.

"I think if we get that in this statute, the program will take off and we'll get those low-priority wells plugged quickly."

Rep. Thompson suggested there could be changes at the administrative level to ease regulatory hurdles contractors would face in plugging wells.

There are 700 orphan wells in the program, Mr. Simmers told Chairman Rep. Al Landis (R-Dover), and the department is currently dealing with 80 of them this year. That rate is expected to increase due to process changes and because the hardest wells are being plugged now.

Most conventional drillers aren't applying to become contractors, he said. Many of the companies are servicing companies with smaller rigs and equipment than drillers.

Rep. Thompson said the changes could lead to more wells being identified, potentially increasing the overall cost of the program and the number of high-risk wells.

Rep. Scott Wiggam (R-Wooster) asked if other states set up their oil and gas accounts in a similar way.

The other states are all over the board, Mr. Simmers said. Pennsylvania charges fees to the oil and gas industry, while other states funnel severance tax revenue into their general funds.

#### Insurance Agents, Underwriters Back Measure To Provide Claim Information To Employers

Requiring insurance companies to provide health claim information to employers has the potential to reduce costs, insurance agents and underwriters told a Senate committee on Tuesday.

They're supporting a measure (SB 227) that would require insurers to provide such information to all employer groups. Currently, such data is provided only to large groups with more than 100 insured employees.

"The more information employers and their employees have when making health insurance and health care decisions can help our health care system run more efficiently both from a cost and quality perspective," Brian Thompson with the Ohio Association of Health Underwriters told the Senate Insurance and Financial Institutions Committee.

For example, Mr. Thompson said he was able to provide recommendations for reducing risk and costs to an employer group when claims data showed that employees were using emergency rooms instead of visiting primary care physicians.

"In order for costs to come down, everyone has to be involved and that includes the consumer," he said. "Consumers need to be aware of the choices that they are making and how they are affecting health insurance costs."

Ohio Insurance Agents Association member agent Alex Due said having more information could also result in employers being offered plans their agents may not have known they were eligible for when less data was available.

"The claims data will actually allow us to bring more options to employers," he said.

Tony Kopyar, executive vice president of HR for AXIA Consulting, said his company is one that would like to see expanded insurance options.

However, current practices make it difficult for small and mid-size companies to gather information needed to receive new insurance quotes from multiple carriers, he said. Because health claim information isn't provided by companies, employees must fill out health history questionnaires, which may not provide a full picture of their claims histories.

"Competition will only occur when all bidding carriers are provided true claims data," Mr. Kopyar said. "This transparency will promote real competition and will also provide us, as an employer, critical information when we decide where and how our premium dollars are best spent."

Despite the praise, some lawmakers said they are leery of providing employers with health claim information because of how the data could be used.

Sen. Bob Hackett (R-London) said the information could be used to shift premiums from one group to another if data show how small groups are using their coverage.

Meanwhile, Sen. Dave Burke (R-Marysville) said he's worried smaller employers could discriminate against employees whose health care claims appear to be contributing to higher rates.

More data is always better when it comes to determining coverage, Mr. Thompson contended. He reiterated that the Ohio Association of Health Underwriters sees the bill as an opportunity to potentially reduce healthcare spending and premiums.

"The more information that you can give to somebody, whether it's good or bad, it's going to allow us as an organization to become, from our standpoint, an advisor to the employer to really try and start to mitigate as many claims as possible," he said.

Sen. Burke questioned why employers need data on employee health spending when they're not involved with determining policy specifics.

"I'm vexed how you knowing directly or indirectly this type of information does anything to effect the rate when you're not the one writing the policy," he said, adding: "My fear is that it gets used in a negative way."

Mr. Kopyar said the goal of his company is to be able to review employee information to search for the best policy that fits the group at a similar or lower cost than it's paying now.

The proponents of the legislation also voiced some concerns, however, with how it's currently written.

Instead of requiring insurance companies to provide data to all employer groups, they suggested that the bill address only medium-size groups with 50-99 full-time employees.

Data on smaller groups wouldn't be as reliable and therefore wouldn't likely result in them having additional insurance options, Mr. Due said.

"Our intention is to use this data for quoting alternatively funded programs, as well as fully insured programs," he said. "We feel the threshold should be at 50 FTE's because smaller groups should not look at alternatively funded programs due to the level of risk inherent at that employer size."

Likewise, Mr. Thompson said "it is OAHU's opinion that health insurers would find this to be too labor intensive and that the data would not be very credible," for small groups.

"This could possibly lead to some health insurers leaving Ohio's market," he cautioned.

Louisiana lawmakers passed a similar law in Louisiana in 2009, and while insurance companies initially resisted, they're now realizing they are dealing with less paperwork, said Mary Smith, president of the Insurance Management Administrators of Louisiana.

She said in written testimony that the state has seen health insurance rates stabilize since the law was enacted, despite nationwide rate increases stemming from the Affordable Care Act.

#### Abortion Foes Continue Arguing For Procedure Ban

A bill designed to outlaw one of the most commonly used forms of abortion would pass constitutional muster, proponents said Tuesday.

Jessica Koehler, director of legislative affairs for Ohio Right to Life, likened the bill (SB 145) to the ban on partial-birth abortions that was upheld by the U.S. Supreme Court.

"Not only is there a strong legal precedent for this legislation, there are also strong ethical reasons to pass it," she told members of the House Criminal Justice Committee. "Ethically speaking, dismemberment abortion simply does not belong in the medical profession, and it does not belong in any part of civil society."

Ms. Koehler specifically noted the opinion of Justice Anthony Kennedy, considered the swing vote on the court, in which he described the process.

"There is simply no justification for this procedure," she said. "Medically speaking, dismemberment abortion is never necessary to preserve the life of a mother in acute medical emergencies. Dilation of the cervix alone can take at least 36 hours - an eternity when a woman's life is on the line."

Josh Brown, legal counsel and director of policy for Citizens for Community Values, also defended the constitutionality of the bill. He, too, pointed to the high court's decision in the case that banned partial-birth abortions.

"There are two states in which no action has been taken to stop enforcement of standard D&E bans. Hopefully, Ohio will be next," he said. "There is one state in which a challenge is currently pending. There are six states in which injunctions have been issued."

However, Rep. Bill Seitz (R-Cincinnati) noted that in the six states in which similar bans have been challenged, the courts have issued injunctions preventing their implementation, a record he said is "Cleveland Browns-like" at 0-6.

Rep. Seitz also questioned why the bill is not put on hold until the courts ultimately sort the issue out.

Mr. Brown said he believes the legislation is good and that he is confident the Sixth Circuit Court of Appeals will view the issue differently than other courts.

Dr. Alicia Thompson told the panel that most OB-GYNs will not perform the procedure.

"In fact, 86% of practicing OB-GYNs do not offer abortion at all. Of that small minority of OB-GYNs that do offer abortion, 80% do not offer abortion at 20 weeks," she said.

The panel was also provided written proponent testimony from Dr. Jack Kopechek, Bonnie Bernard, Dr. William Polzin, Dr. Dennis Sullivan, Ellen Whitman, Jennifer Popik from National Right to Life and Melissa Stack of Right to Life of Licking County.

Following the meeting, Joanna Saul, vice president of government affairs and public advocacy at Planned Parenthood Advocates of Ohio, said the bill will expose women to higher-risk alternative forms of abortion.

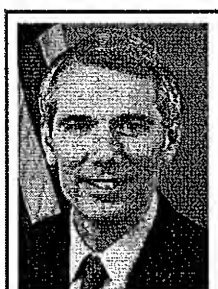
The legislation, she said, "is based on non-medical, subjective language and would restrict the safest way to provide a common and medically proven safe procedure.

"Policymakers are not medically licensed professionals - doctors should be able to provide the best medical judgment for the well-being of families without the interference of politicians," she added.

### Portman Wants Additional Military Funding In Spending Deal To Avert Shutdown

With a looming Friday deadline to avoid a federal government shutdown, U.S. Sen. Rob Portman on Tuesday called for passage of his legislation to avoid future spending battles.

The Terrace Park Republican's proposal calls for the government to be automatically funded in situations in which lawmakers fail to reach an agreement on spending.



Sen. Portman

"I think it's really important that we figure out a way to move forward without a government shutdown," he said during his weekly conference call with Ohio reporters.

Mr. Portman said government shutdowns end up costing taxpayers more in the long-run and create uncertainty.

"Ultimately, it also is just an abdication by Congress to figure this out," he said.

Mr. Portman hopes to reach a deal which funds the government through the remainder of the fiscal year and includes additional appropriations for defense and restores the Children's Health Insurance Program.

The need for additional defense spending, according to Mr. Portman, became clear after a recent briefing by Secretary of Defense Jim Mattis.

"He painted a pretty dismal picture of our preparedness," he said.

Restoring the CHIP program could have led to a partisan fight over how to pay for the program. However, with the repeal of the individual health insurance mandate, Mr. Portman said the cost has decreased significantly.

"It's an opportunity for us to get this done without having to go through the more difficult partisan debate over what the pay-for should be," he said.

Some lawmakers are clamoring for the restoration of the Deferred Action for Childhood Arrivals program to be included in any spending bill that averts a shutdown. But, Mr. Portman believes that the DACA program can be taken care of through stand-alone legislation that includes better immigration enforcement mechanisms.

Mr. Portman also continued to tout the impact of the GOP's overhaul of the federal tax code, saying businesses across the country have used the savings to invest in new equipment, hire workers or provide existing employees with bonuses, wage increases and better retirement benefits.

"I have confidence that workers and families and our general economy in Ohio is going to continue to benefit greatly from this," he said.

About 90% of working Ohioans will soon see less withholding from their paychecks, according to Mr. Portman. He added that a family with an annual income of \$70,000 per year will likely take home an additional \$2,000 under the tax overhaul.



The junior senator from Ohio is at odds with President Donald Trump in at least one area. When it comes to the issue of earmarks - which President Trump recently suggested should again be utilized in Congress - Mr. Portman believes the ban should remain in place.

"They tend to go disproportionately to members that have more influence," he said.

DeWine, Victims Groups Talk Drug Crisis; Brown's Fentanyl Bill Signed...

Attorney General Mike DeWine on Tuesday hosted a conference for victim advocacy groups to share ideas in working through the drug crisis.

The AG's Ideas for Advocacy Conference focused on victims with substance abuse issues and how help can include treatment.

"The wave of addiction, unfortunately, continues to impact Ohio's children and families, as well as those who work every day to help these victims," AG DeWine said in a statement. "I am committed to continuing the aggressive work of finding solutions and bringing people together to share what we know is working, so that we can help as many Ohioans as possible, as fast as possible."

The conference, at the Ohio State University and hosted in partnership with the OSU Wexner Medical Center's Harding Hospital, was aimed at people in children's service organizations, domestic violence shelters, addiction treatment centers, human trafficking survivor groups, crime victim services groups and more.

It was the fourth "ideas" conference hosted by the AG. Previous conferences were aimed at law enforcement and first responders, an action-oriented summit and a conference for health care professionals. Another conference, expected in March, will focus on children.

**Fentanyl Bill Signed:** A bill sponsored by U.S. Sen. Sherrod Brown (D-Cleveland) to authorize \$15 million for equipment helping law enforcement stop the flow of fentanyl into the U.S. was signed recently by President Donald Trump.

The so-called INTERDICT Act passed the Senate unanimously at the end of the year.

"This law is about giving law enforcement the tools they need to keep fentanyl out of our country and off Ohio streets," Sen. Brown said in a statement. "We must build on this bipartisan momentum and come together to start combatting the addiction epidemic like the public health emergency that it is."

Law enforcement officials said the bill, in combination with the STOP Act, sponsored by U.S. Sen. Rob Portman (R-Terrace Park), will help block the synthetic opioid from reaching Ohio.

"Exposure to synthetic opioids like fentanyl, even in small amounts, is dangerous to Ohio law enforcement officers and the citizens they serve," said Ohio Fraternal Order of the Police (FOP) President Jay McDonald. "As we work to keep these deadly synthetic opioids out of Ohio communities, Sen. Brown's bill provides important tools to prevent fentanyl from crossing our borders in the first place. Ohio FOP was glad to support the INTERDICT Act and we are pleased that the legislation is now law."

The law will provide more portable chemical screening devices at ports of entry and mail and express facilities, and provide U.S. Customs and Border Protection testing labs with more resources.

**Former Director Hired:** Stephanie Loucka, former director of the Department of Aging, is expected to start a new role as general manager for New York-based MAS, or Medical Answering Service.

Ms. Loucka will lead the company's operations in Ohio.

She resigned at the end of 2017 after serving as director since August 2016. She was replaced by Beverley Laubert, formerly the state's long-term care ombudsman. (See Gongwer Ohio Report, December 18, 2017)



## Politics Notebook: Lawmaker Drops Resolution On Justice O'Neill; Murray Backs DeWine; Clites Seeks Clyde Seat; Taylor Updates Staff

A lawmaker who has questioned the status of Ohio Supreme Court Justice Bill O'Neill based on the jurist's plans to run for governor wants to hear a legislative presentation on the matter.

A resolution ([HCR 17](#)) introduced Tuesday by Rep. Niraj Antani (R-Miamisburg) proposes to summon Justice O'Neill "to appear before the General Assembly and show cause why he should not be removed from office under Article IV, Section 17 of the Ohio Constitution."

The justice, who faces age limits on the court and cannot seek reelection this year, has maintained that he isn't technically a candidate until he files for the race and recused himself in December from hearing any new cases. Justice O'Neill plans to resign on Jan. 26, about two weeks prior to the Feb. 8 candidate filing deadline.

The Antani resolution was referred immediately to the House Government Accountability & Oversight Committee.

**Murray Endorsement:** Days after losing her place on a gubernatorial ticket, former running mate Amy Murray endorsed Mike DeWine in the GOP primary.

In a statement released Tuesday by the DeWine campaign, Ms. Murray, a Cincinnati City Council member and prior lieutenant governor hopeful with [U.S. Rep. Jim Renacci](#) (R-Alliance), argued that the current attorney general is the right person for the job.

"I have gotten to know both Mike and (running mate Jon Husted) over the last few years and they are by far the best equipped in the race to lead Ohio into the future, bringing more high-paying jobs, solving the opioid crisis, and securing economic prosperity for all Ohioans," she said. "I look forward to helping them in their victory for Ohio."

Ms. Murray's allegiance in the race went up for grabs when Rep. Renacci opted to abandon his bid for governor and seek the GOP nomination for U.S. Senate.

**Taylor Campaign:** [Lt. Gov. Mary Taylor](#) on Tuesday announced changes to her gubernatorial campaign, including the addition of Erica Nurnberg, a top staffer on State [Treasurer Josh Mandel's](#) former Senate campaign.

Hired as Ms. Taylor's deputy campaign manager and political director, Ms. Nurnberg was previously deputy advance director for U.S. Sen. Ted Cruz's (R-Texas) presidential bid, and has worked for U.S. Rep. Scott Garrett (R-NJ), the Jewish Institute for National Security Affairs and the Republican Jewish Coalition.

"The state of Ohio's 2018 gubernatorial election has transformed in the past week. It is a clear to me as a conservative and new Ohioan, that if Republicans in Ohio want a conservative standard-bearer leading as Governor, Mary Taylor is the only option," Ms. Nurnberg said in a statement.

Ms. Taylor also promoted former Finance Director Beau Euton to campaign manager and named Jeananne Chadsey to replace her. Ms. Euton, of Delaware, was the Vice-President of Membership for the Ohio Chamber of Commerce prior to joining Taylor's campaign. Ms. Chadsey, of Green, came to the campaign from the Republican Party of Cuyahoga County, where she served as Director of Special Projects.

"These additions to my campaign staff ensure that we have the right team in place to take the fight to the ultimate establishment, career politician ticket of DeWine/Husted," Ms. Taylor said. "Beau, Erica and Jeananne have a history of fighting for the same conservative ideals that I have fought for my entire life."

**Clyde Seat:** Democrat Randi Clites of Ravenna announced Tuesday that she had filed to run for the 75<sup>th</sup> House District seat being vacated by term-limited [Rep. Kathleen Clyde](#) (D-Kent), a candidate for secretary of state.

"I'm running for State Representative because I believe too many families have been left out by politicians in Columbus. I have never run for office before, but I know how to work in the Ohio House and get things done," Ms. Clites said in a release.

"Last year when Republicans tried to cut funding for the program that helps children with medical handicaps and their families pay for medical treatment, I led a grassroots effort that reversed the cuts and ultimately increased funding. We need more representatives in Columbus who will stand up for all of us instead of cutting necessary programs for kids in order to give a tax cut to the wealthy."

#### Policy Brief Links Student Suspensions With Negative Outcomes; School Choice Week Events Planned...

The Health Policy Institute of Ohio outlined the impact of suspending and expelling young students in its latest policy brief.

Children who are suspended or expelled at a younger age are more likely to be in the same position in the future, and are also more likely to experience academic failure, grade retention, and negative attitudes toward schools, according to the [brief](#). It is part of a series explaining the connections between health and education.

Suspension in grades preschool through third grade can also result in students being 10 times more likely to drop out of school and more likely to be involved in the justice system.

The brief cites Department of Education data showing 34,000 Ohio students were expelled in grades K-3 during the 2016-17 academic year. Nearly half of those disciplinary actions were for disruptive behavior.

Suspensions and expulsions are higher among black, male and economically-disadvantaged students, both in early childhood and K-12 education, HPIO said.

National data also shows that the number of children in state-funded preschool programs who were suspended or expelled is more than three times the number of students in grades K-12 who were suspended or expelled.

HPIO said the need to eliminate or reduce suspension and expulsions can best be met with comprehensive, evidence-based approaches.

"Efforts to create a positive school climate, such as through schoolwide adoption of Positive Behavior Interventions and Supports (discussed in a [separate HPIO fact sheet](#)), social-emotional learning and trauma-informed education, can prevent behavioral problems and eliminate the need for suspensions and expulsions," the brief states.

HPIO also suggests expanding the availability of mental health services through community partnerships and training and supporting teachers to address challenging behavior situations.

The brief also highlights recently introduced legislation ([SB 246](#)) that would revise the procedures for emergency removal of a student, prohibit certain suspensions and expulsions of students in grades pre-kindergarten through third grade, and require public schools to implement a PBIS framework in accordance with state standards.

**School Choice Week:** Ohio students and schools will hold more than 1,200 events next week as part of the nation's largest celebration of school choice.

The annual Ohio School Choice Week, which coincides with a national week of recognition, is being held Jan. 21-27.

The goal of the events, such as roundtables, rallies, and festivals, being held throughout the state is to raise awareness about school options.

"Ohio has been an important state in the school choice movement, and we're grateful that Gov. Kasich has recognized that by issuing this proclamation," said Andrew Campanella, president of National School Choice Week. "Ohio parents are enthusiastic about school choice, and we applaud that. Parents know what's best for their kids, and we hope they are able to find an educational setting that best fits their kids' needs."

In total, more than 32,000 school choice events and activities are planned across the country next week, according to National School Choice Week.

Among the Ohio events is a K-12 education policy reform discussion hosted by America's Future Foundation, Americans for Prosperity, Citizens for Community Values, and the Heartland Institute.

The discussion, scheduled for Jan. 24 at the Athletic Club of Columbus, will be moderated by Lennie Jarratt of the Heartland Institute and Ezra Escudero of Americans for Prosperity.

"Every child deserves access to a quality education. The only way this can happen is empowered parents freely choosing from a vast array of education options that meets the education needs and goals of their child," Mr. Jarratt said.

**Election:** The Northeast Ohio Council on Higher Education Board recently swore in new leaders.

Thomas Waltermire, retired chairman and CEO of PolyOne Corporation, is the newest board chair and Kent State University President Beverly Warren will serve as vice chair of the council that brings higher education and business leaders together to focus on regional economic growth. They assumed their positions last month.

Supplemental Agency Calendar

### **Wednesday, January 17**

**Casino Control Commission, 30 East Broad Street, Lobby Hearing Rm., Columbus, 10 a.m.**

### **Thursday, January 18**

Elections Commission, 77 S. High St, Rm. East B., 31st Fl., Columbus, 10 a.m.

### **Friday, January 19**

Ethics Commission, 30 West Spring Street, Meeting Room 2 on the second floor, Columbus, 11:30 a.m.

Supplemental Event Planner

### **Wednesday, January 17**

Dennis Kucinich (D-Candidate for governor) news conference, Governor Thomas Worthington Center, Statehouse, Columbus, 3:15 p.m.

### **Tuesday, January 30**

Bud O'Brien (R-Candidate 80th House District) event, Athletic Club, 136 E. Broad St., Columbus, 12 p.m., (Contributions accepted but not expected. Friends of John O'Brien. RSVP to [amykershner@outlook.com](mailto:amykershner@outlook.com) or [alex.penrod@ohroc.com](mailto:alex.penrod@ohroc.com))


### **Wednesday, March 21**

Rep. Emilia Sykes (D-Akron) & Rep. Brigid Kelly (D-Cincinnati) fundraiser, Einstein Bros Bagels, 41 S. High Street, Columbus, 8 a.m., (Sponsor levels: Sponsor \$1,000, Host \$500, Friend \$350 to Emilia Sykes Campaign, Friends of Brigid Kelly. RSVP with Amy Katrak at 614-420-1269 or [akatrak@ohiodems.org](mailto:akatrak@ohiodems.org))

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## House Activity for Tuesday, January 16, 2018

### INTRODUCED AND REFERRED

**HR ARMED FORCES** (Dever, J.) To urge the President and Congress of the United States, and the Secretary of Defense, to authorize the recruitment of individuals with disabilities for service in the Armed Forces of the United States.

Armed Services, Veterans Affairs & Homeland Security

**HCRJUDGE REMOVAL** (Antani, N.) Summoning the Honorable William M. O'Neill, Justice of the Supreme Court of Ohio, to appear before the General Assembly and show cause why he should not be removed from office under Article IV, Section 17 of the Ohio Constitution.

Government Accountability & Oversight

Gongwer Coverage

**HCRENERGY RESOURCES** (Hill, B.) To express support for the importance of Ohio's energy resources and energy infrastructure in furthering Ohio's economic development.

Energy & Natural Resources

### INTRODUCED

**HB WASTE FEES** (LaTourette, S.) To increase one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation. Am. 3734.57

**HB STROKE PATIENTS** (Lipps, S., Antonio, N.) To provide for recognition of stroke centers and establishment of protocols for assessment, treatment, and transport to hospitals of stroke patients. Am. 3727.11, 3727.12, 3727.13, 3727.14, and 4765.051

### CALENDAR FOR COMING SESSION

**HB PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients.

Wednesday, January 17

**HB UNCLAIMED FUNDS** (Reineke, B.) To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law.

Wednesday, January 17

**HCREXTRADITION** (Holmes, G.) To urge the President of the United States, the United States Secretary of State, and the Congress of the United States to compel Brazil to extradite Claudia Hoerig to stand trial for

the aggravated murder of her husband, Major Karl Hoerig, and to request that the United States terminate foreign aid payments to Brazil if Claudia Hoerig is not extradited.

Wednesday, January 17

REFERRED

### **Armed Services, Veterans Affairs & Homeland Security:**

**HB LICENSE PLATES** (Sweeney, M., Perales, R.) To create the "Army Distinguished Service Cross," the **434** "Navy Cross," the "Air Force Cross," and the "Coast Guard Cross" license plates.

### **Civil Justice:**

**HB 446 POWER OF ATTORNEY** (Rogers, J., Seitz, B.) Relative to the acceptance of an acknowledged power of attorney.

### **Community & Family Advancement:**

**HB SIBLING VISITATION** (LaTourette, S., Boyd, J.) To create sibling visitation rights, to make changes to **448** the law regarding sibling placement by a court or agency and sibling relationships when parental rights are terminated, and to extend the sibling relationship beyond adoption.

### **Criminal Justice:**

**HB DRUG TRAFFICKING** (Wiggam, S.) To provide that in determining the amount of cocaine for trafficking **455** offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, to increase penalties for certain drug trafficking offenses, and to name this act the Drug Trafficking Deterrence Act.

**HB DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a **457** parolee who fails a drug test for heroin, fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days.

**HB HUMAN TRAFFICKING** (Fedor, T., Galonski, T.) To require a juvenile court to hold a delinquency **461** complaint in abeyance if the court has reason to believe that the act charged might be prostitution related or that the child might be a victim of human trafficking and to provide that the same elements for the offense of trafficking in persons that apply to a victim under the age of sixteen also apply to a victim who is age sixteen or seventeen.

### **Economic Development, Commerce & Labor:**

**HB VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to **433** two continuing education credits per biennium for performing free spaying and neutering services.

**HB FOOD OPERATION FEES** (Sweeney, M.) To require a seasonal food service operation license fee to be **444** one-half of the license fee for a food service operation that is not a seasonal food service operation.

### **Education & Career Readiness:**

**HBESC BOARDS** (Hambley, S., Kick, D.) To permit the addition of appointed members to educational service **438** center boards and to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions.

**HBSCHOOL ATHLETICS** (Antani, N.) To authorize any student from a country or province outside the **442** United States who attends an elementary or secondary school in Ohio and holds an F-1 visa to participate in interscholastic athletics at that school on the same basis as Ohio residents.

**HBMENTAL HEALTH INSTRUCTION** (Sweeney, M.) To require school district boards of education to **443** incorporate mental health instruction into their health education curricula.

### **Energy & Natural Resources:**

**HBRIPARIAN BUFFERS** (Patterson, J., Sheehy, M.) To exempt qualifying riparian buffers in the Western **460** Basin of Lake Erie from property taxation, to reimburse local taxing units for resulting revenue losses, and to require soil and water conservation districts to assist landowners with the creation and maintenance of riparian buffers.

### **Financial Institutions, Housing & Urban Development:**

**HBSTUDENT LOANS** (Boggs, K., Kelly, B.) To require student loan servicers to be licensed by the Division **432** of Financial Institutions and to create the position of student loan ombudsperson in the Division of Financial Institutions to provide assistance to student loan borrowers. H. B. No. 433 - Representatives Kelly, Brinkman.

### **Government Accountability & Oversight:**

**HJRTerm Limits** (Sweeney, M.) To impose term limits prohibiting a person from holding office longer than **6** eight years in the Ohio Senate, eight years in the Ohio House of Representatives, and more than sixteen years in total in the General Assembly.

**HJRUnion Membership** (Becker, J., Riedel, C.) Proposing to enact Section 22 of Article I of the **7** Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.

**HJRUnion Membership** (Becker, J., Riedel, C.) Proposing to enact Section 22 of Article I of the **8** Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private

sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.

**HJRPREVAILING WAGE** (Becker, J., Riedel, C.) Proposing to enact Section 43 of Article II of the **9** Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

**HJRPROJECT LABOR AGREEMENTS** (Becker, J., Riedel, C.) Proposing to enact Section 2 of Article XV **10** of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

**HJRCOLLECTIVE BARGAINING** (Becker, J., Riedel, C.) Proposing to enact Section 12 of Article XV of **11** the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.

**HB TAX REFUNDS** (Lanese, L., Dever, J.) To allow the Department of Taxation to provide taxpayers who file **441** electronic returns the option of receiving their income tax refund in the form of a prepaid card.

**HB HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance **450** mandated benefits and to establish requirements for the creation of new mandated benefits.

**HB PUBLIC RECORDS** (Retherford, W.) To exclude from the definition of public record under the Public **451** Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy.

**HB HOSPITAL CLOSINGS** (Schuring, K., West, T.) To require that a for-profit hospital and its affiliated **462** health care facilities in certain counties follow specified procedures before ceasing operations or closing, and to declare an emergency.

## **Health:**

**HB NURSING OVERTIME** (Sprague, R.) To prohibit a hospital from requiring a registered nurse or licensed **456** practical nurse to work overtime as a condition of continued employment.

## **Higher Education & Workforce Development:**

**HBSPONSOR RATINGS** (Rogers, J., Patterson, J.) To require the Department of Education to attribute any **449** community school sponsor ratings an entity received during its relationship with a state university board of trustees to that entity even if it no longer has a relationship with the university.

## **Insurance:**

**HB HEALTH CARE** (Fedor, T., Kent, B.) To establish and operate the Ohio Health Care Plan to provide **440** universal health care coverage to all Ohio residents.



**HB WORKERS' COMPENSATION (Henne, M.)** To allow groups of employers to be granted status as a **459** self-insuring employer for purposes of the Workers' Compensation Law.

### **State & Local Government:**

**HB CHARTER HOSPITALS (Greenspan, D.)** To require that all rights and interests in discoveries, **453** inventions, or patents made by employees using charter county hospital facilities are the property of that charter county hospital.

**HB CEMETERY LOTS (Patterson, J., Arndt, S.)** To require a township to compensate the owner of certain **454** unused cemetery lots and rights which the township reenters after lack of response from the owner.

### **Transportation & Public Safety:**

**HB TRAFFIC SIGNS (Boggs, K., Leland, D.)** To permit a local resident, neighborhood association, or **436** neighborhood organization to request the erection of a stop sign at an intersection and to support a request for a lower prima facie speed limit on certain streets and highways.

**HB ROAD NAMING (Gavarone, T.)** To designate a portion of State Route 65 in Wood County as the "Marine **437** Sgt. David R. Christoff, Jr. Memorial Highway."

**HB LICENSE PLATE (Riedel, C.)** To enact section 4503.734 of the Revised Code to create the "Patrol **445** Supporter" license plate.

**HB LICENSE PLATE (Reece, A.)** To create the "Amaranth Grand Chapter Order of the Eastern Star" license **447** plate.

**HB ROAD NAMING (Huffman, S.)** To designate a portion of State Route 55 as the "PFC Marc L. Cole **452** Memorial Highway."

### **Ways & Means:**

**HB TAX NOTICES (Lipps, S., Ryan, S.)** To provide that, once the initial publication of a county delinquent **458** property tax list is made in a newspaper of general circulation, the second publication of that list may be done online.

### **COMMITTEE HEARINGS**

#### **Ways & Means**

**HB PROPERTY VALUES (Merrin, D.)** To require local governments that contest property values to formally **343** pass an authorizing resolution for each contest and to notify property owners. (**REPORTED**; 7th Hearing- All testimony-Possible vote)

The bill was reported with four of the members who were present for the vote in opposition. They were: Rep. Jack Cera (D-Bellaire), Rep. Doug Green (R-Mt. Orab), Rep. John Rogers (D-Mentor-on-the Lake) and Rep.

Emilia Sykes (D-Akron).

A coalition of education groups, including the Ohio Association of School Business Officials, the Ohio School Boards Association and the Buckeye Association of School Administrators, reiterated their opposition in a written statement to the board.

"On behalf of our members, we maintain that Ohio's current property valuation and tax system has worked to benefit its citizens for decades. We believe it affords all interested parties the ability to participate in the process by providing a proper procedure for checks and balances to preserve and maintain fair and equal taxation practices," the groups stated. "Am. HB343's unnecessary changes to this long-respected system are highly objectionable."

**HBPROPERTY TAX (Merrin, D.)** To exempt from property taxation the increased value of land subdivided for **371**residential development until construction commences or the land is sold. **(REPORTED-AMENDED (No testimony); 7th Hearing-All testimony-Possible amendments & vote)**

Rep. Rogers offered an amendment to reduce the maximum length of time for the exemption from 10 to five years. Sponsor Rep. Derek Merrin (R-Maumee) then amended the amendment to change the time frame to eight years.

The bill was reported on a 15-3 vote with Rep. Janine Boyd (D-Cleveland Hts.), Rep. Green and Rep. Steve Hambley (R-Brunswick) opposed.

Economic Development, Commerce & Labor

**HB APIARY DAMAGES (Stein, D.)** To grant specified apiary owners immunity in personal injury or property **392** damage cases. **(CONTINUED-AMENDED; 4th Hearing-All testimony-Possible amendments)**

The committee accepted two amendments to the bill.

The first, offered by sponsor Rep. Dick Stein (R-Norwalk), changed the bill to ensure no specific beekeeping organization would set rules and standards, and that the responsibility of best management practices and record-keeping was the responsibility of the beekeeper.

"This would take the state out of the job of maintaining or managing those records," Rep. Stein said.

The second amendment, offered by Rep. Anthony DeVitis (R-Green) narrowed the scope of the legal immunity offered in the bill to just bee stings.

Criminal Justice

**HB UTILITY WORKERS (Rezabek, J., Greenspan, D.)** To expand the offense of aggravated menacing to **276** prohibit threatening a utility worker with intent to obstruct the operation of a utility. **(REPORTED; 4th Hearing-All testimony-Possible vote)**

Ohio Prosecuting Attorneys Association Executive Director Lou Tobin spoke out against the measure, saying his group typically opposes legislation that provides increased penalties for special classes of victims.

"While we are certainly sympathetic to the stories of utility workers who have been subjected to aggravated menacing, menacing, assaults or other types of threats or violence, we believe that current law provides appropriate protections from and penalties for these types of behaviors," he said.

Mr. Tobin said utility workers are not the only occupation that faces threats.

"Utility workers face threats of violence on the job," he said. "Individuals in many other professions undoubtedly do too. And while we are sympathetic to the threats utility workers face, we are equally

sympathetic to the threats that others face and do not believe that the plight of victimization of others is any less deserving of protection."

Rep. Jeff Rezabek (R-Clayton) questioned OPAA's opposition to the bill, asking if the organization has opposed similar bills in the past.

"We hadn't heard until this week that you were disfavoring and actually in opposition to this bill," he said.

Mr. Tobin said that, given he is relatively new in the position, he is unsure about the group's past stances on specific bills.

**HB ECONOMIC LOSSES (Merrin, D.)** To include the cost of accounting done to determine the extent of **391** economic loss as a type of economic loss for which restitution may be granted. (CONTINUED; 2nd Hearing-Proponent)

Lucas County Common Pleas Court Judge Michael Goulding called the bill "a simple legislative fix."

He spoke of several cases in which theft occurred and he ordered restitution to be paid, but it did not cover accounting costs.

"Ohio law currently authorizes, but does not mandate, a judge to order the offender to pay restitution - to pay back the victim for the harm he or she caused. Common sense dictates that a victim of crime should be made whole by the law, even in cases where payment may never be made, or be made partially over time," he said. "These accounting costs, which benefit the state in proving the crime, and which are wholly occasioned by the criminal activity of the offender, should be included in the definition of 'economic loss.'"

Sharon Montgomery said her husband died in after a car crash caused by a distracted driver. The person that caused the crash was charged with a minor offense and faced a fine of \$75.

"On paper, there are a number of resources for victim compensation," she said. "In real life, many victims fall through the cracks and are not able to use any of those resources. In the big picture, we need to review and revise a number of laws: insurance including subrogation, tort, restitution, sentencing, and victims' rights."

**HB COUNTERFEITING (Perales, R.)** To create the offense of counterfeiting and to include counterfeiting **405** within the definition of "corrupt activity" under the Corrupt Activities Law. (CONTINUED; 3rd Hearing-All testimony)

In interested party testimony, Mr. Tobin said the bill would alleviate confusion in current law in cases of counterfeiting.

"By creating a section that is specific to fraudulently creating, passing or possessing obligations, other securities or devices like credit and debit cards, the bill will make it easier to charge and convict counterfeiters in Ohio," he said.

However, Mr. Tobin recommended the bill be changed to allow for an individual who counterfeits multiple devices to be charged with a higher degree of criminality.

Rep. John Rogers (D-Mentor-on-the-Lake) questioned what would prevent a prosecutor from seeking multiple charges.

Mr. Tobin said prosecutors could seek multiple charges. However, he said that does not mean the sentences would be served consecutively.

**HB BAIL DETERMINATIONS (Dever, J., Ginter, T.)** To require courts to use the results of a validated risk **439** assessment tool in bail determinations; to allow nonmonetary bail to be set; to require courts to collect certain data on bail, pretrial release, and sentencing; and to require the state Criminal Sentencing

Commission to create a list of validated risk assessment tools and monitor the policies and procedures of courts in setting bail and utilizing pretrial supervision services. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsoring Rep. Tim Ginter (R-Salem) highlighted the need for the legislation with the story of Marckus Brown, who was arrested on a misdemeanor trespassing charge and spent nine days in jail before he was able to post his \$150 bail.

"Currently in Ohio, bail schedules are exclusively based on the nature of the offense. As a result, our entire system is predicated upon one's financial position as to whether or not that individual is released on bond," he said.

Under the proposal, bail would be established based on a validated risk assessment tool.

"These tools take into account a person's threat to society and the risk that a person will fail to appear in court," Rep. Ginter said. "Additionally, the legislation allows the court to set non-monetary bail. This will refocus our criminal justice system to make decisions based on evidence and not the size of one's pocketbook."

Were the risk assessment tool in place at the time of Mr. Brown's arrest, Rep. Ginter said he would likely have been processed and released.

"In my view, incarceration should not be indicative of the size of your pocketbook," Rep. Jonathan Dever (R-Cincinnati) said in sponsor testimony.

**HBHUMAN TRAFFICKING** (Dever, J., Gavarone, T.) To permit a person who is found not guilty or is the **56** defendant in a dismissed case to apply for an expungement of the person's records in the case if the ☐ complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (**CONTINUED-SUBSTITUTE (No testimony)**; 4th Hearing-Possible substitute)

The panel adopted a substitute version of the bill that makes several changes, including provisions dealing with the abeyance of juvenile court proceedings, sealable offenses for victims of human trafficking and excluded offenses. (Comp doc)

The substitute bill was offered by Rep. Rezabek.

**HBSEX OFFENSES** (Hughes, J.) To increase the penalty for sexual imposition when the offender previously **96** has been convicted or pleaded guilty three or more times of any of several specified sex offenses and to ☐ repeal the corroboration requirement for a sexual imposition conviction. (**REPORTED-AMENDED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

Before the bill cleared committee a technical amendment offered by Rep. Rezabek was adopted without objection.

**SB ABORTION** (Huffman, M., Wilson, S.) To criminalize and create a civil action for dismemberment **145** abortions. (**CONTINUED (See separate story)**; 2nd Hearing-Proponent)

**Subscriber's Note:** For full written testimony, see the committee's website under Jan. 16.

Public Utilities

**HBUTILITY LAW** (Romanchuk, M.) To require refunds to utility customers who have been improperly **247** charged, to eliminate electric security plans and require all electric standard service offers to be delivered ☐ through market-rate offers, and to strengthen corporate separation requirements. (**CONTINUED (See separate story)**; 5th Hearing-All testimony)

**HB TELEPHONE REGULATION (Hill, B.)** To revise state regulation of telephone companies.  
**402** (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Brian Hill (R-Zanesville) said his goal is to reduce investment barriers experienced by broadband providers. To accomplish that, the bill would grant the Public Utilities Commission of Ohio more guidance in approving rate increases for small and rural carriers, he said. (See Gongwer Ohio Report, November 13, 2017)

Annual increases of \$1.25 or up to 20% would be permissible if the carrier can prove the exchange is competitive, the sponsor said. An exemption to that limitation can be given if an increase is necessary for an incumbent local exchange carrier to reach the "urban rate floor" established by the Federal Communications Commission.

The sponsor said the bill "will create a level playing field for our local phone companies...and give them the ability to invest in their network in underserved areas."

"Our local telephone service providers want to innovate and provide their customers, who are our constituents, with modern products and services that are reflective of advances in technology over the past decade," Rep. Hill continued. "This bill will provide Ohio's local phone companies with the ability to increase their service offerings to customers and expand investment into their networks in many underserved areas."

The Ohio Telecom Association last year published a report stating more competition is needed for these carriers. It was that study that in part prompted Rep. Hill's legislative effort. Both OTA and Rep. Hill argue that the state is overdue for a legislative overhaul of broadband regulations because the most recent update was made in 2010. (See Gongwer Ohio Report, October 20, 2017)

**Subscriber's Note:** For full testimony see the committee's website under Jan. 16.

**Energy & Natural Resources**

**HBOIL GAS WELLS (Thompson, A.)** To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well. (REPORTED (See separate story); 5th Hearing-All testimony-Possible vote)

**HBBRINE SALES (DeVitis, T., O'Brien, M.)** To authorize a person to sell brine derived from an oil and gas operation that is processed as a commodity for use in surface application in deicing, dust suppression, and other applications. (CONTINUED; 2nd Hearing-Proponent)

Dave Mansbery, owner of Duck Creek Energy Inc. and Nature's Own Source LLC, which converts raw brine into a product called AquaSalina, said he supported the bill because it would allow the private sector to store and use products derived from the brine of oil and gas wells.

"Once a company goes through the process of processing the water to a finished product and removing the unwanted constituents of that product or commodity that is not expected to result in damage or injury to public health, safety or the environment ODNR's job is complete," he said.

State law requires people who transport the brine and products derived from it to register with the Department of Natural Resources, pay a \$50 fee and report to the agency where the product was used, even if it was a two-gallon container bought at a local hardware store, he said.

Mr. Mansbery said the product comes from non-shale wells. The production of brine is keeping some brine out of injection wells, creating room for other products in the wells.

Rep. John Boccieri (D-Poland) asked if there had been any studies on the environmental impact of the use of the brine product on roads.

A study comparing deicers found the product was one of the most environmentally friendly, particularly when compared to rock salt.

Paul Molan, a snow removal contractor from Chardon, said he shouldn't have to register as a brine hauler and follow those restrictions for using a commodity that is very similar to normal rock salt.

"Why should I be forced to do this when the other salt products do not?" he said. "It makes you consider not using the product if it wasn't so good, especially at low temperatures when salt doesn't work."

**HBWATER SEWER ACQUISITIONS** (Ginter, T., Rogers, J.) To govern acquisitions of municipal water-  
**422**works and sewage disposal system companies by certain larger nonmunicipal water-works or sewage  
■ disposal system companies. (CONTINUED; 2nd Hearing-Proponent)

Brian Barger, of the Ohio Municipal League, said the bill would make it easier for municipalities to invest in its local water supply infrastructure. The American Society of Civil Engineers estimated that in the next 20 years, the state will need to invest about \$26 billion in water and wastewater systems.

The bill would not force municipalities to sell or lease its systems to private utilities, but would simply allow them to do so, he said.

"The Ohio Municipal League supports House Bill 422 as it provides another tool by which municipalities may meet the mandates of providing water for their citizens," he said.

Ed Kolodziej, president of Aqua Ohio, said the state has more than 5,000 public water systems, about 10% of the total for the nation, meaning Ohio has a very fragmented water supply industry.

The bill would create a process for how the Public Utilities Commission would look at utilities taking over municipal water systems. The new process would streamline the ratemaking process for water systems.

Rep. Boccieri asked what the advantages a municipal system would see by aligning with a larger system.

The larger entity would see advantages in buying power and expertise, Mr. Kolodziej said.

Zack Frymier, director of energy and environmental policy for the Ohio Chamber of Commerce, submitted written testimony in support of the bill.

#### Education & Career Readiness

**HBCLASSROOM FACILITIES** (Boccieri, J., Rezabek, J.) To require the Ohio School Facilities Commission  
**246**to provide funding to certain county boards of developmental disabilities to assist in the acquisition of  
■ classroom facilities. (CONTINUED (No testimony); 3rd Hearing-All testimony-Possible amendments)

**HB STUDENT RECORDS** (Ingram, C.) To require a public or chartered nonpublic school to transmit a  
**418** student's records within five business days when the student transfers to another school. (CONTINUED;  
■ 1st Hearing-Sponsor)

Under her proposal, schools must transfer student records within five days of students moving to new schools, Rep. Catherine Ingram (D-Cincinnati) said.


There is currently no timeline for schools to submit student records when requests are made.


"While most transfers of student records are done in a timely and efficient manner, that is not always the case, and there is no legal mechanism to enforce timely transfers," she said.

The sponsor told Rep. Kent Smith (D-Euclid) that records for students who enroll in a new school in the summer would also be due in five days once requested.

Traditional, private and charter schools would all be required to meet the timeline set forth in the bill, she said.

Responding to additional questions from the panel, Rep. Ingram said she doesn't have data on how often student records transfers aren't completed in a timely manner, and there is no provision that provides leeway to schools that must transfer a large number of records in the event of closures.

**HB STUDENT EXPRESSION** (Ginter, T., LaTourette, S.) Regarding student religious expression and to **428** entitle the act the "Ohio Student Religious Liberties Act of 2018." (CONTINUED (See separate story); 1st  Hearing-Sponsor)

**HCR EDUCATION PLAN** (Gavarone, T.) To approve Ohio's state education plan for implementation of the **11**  federal Every Student Succeeds Act. (CONTINUED; 1st Hearing-Sponsor)

The resolution acts as the "final sign-off" on the Department of Education's plan to comply with the federal Every Student Succeeds Act, Rep. Theresa Gavarone (R-Bowling Green) said.

"Ultimately, we are elected by our constituents and as their representatives, we should have a say when policies are created that affect our educational system," she said. "ESSA is not an issue to take lightly as we all know whatever is implemented will have a tremendous impact statewide and locally in our school districts."


Rep. Gavarone detailed the federal feedback on the draft plan, which was sent to the state on Dec. 19. The U.S. Department cited a total of 24 total concerns with the draft that ODE now must respond to.

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